M. TULLII CICERONIS

DE OFFICIIS

LIBRI TRES.

ACCEDUNT

IN USUM JUVENTUTIS

NOTÆ

QUÆDAM ANGLICE SCRIPTÆ.

EX EDITIONE POSTREMA ET EMENDATISSIMA

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PREFACE.

The favour shown by the public to a preceding edition in the present form, has induced the editor, on a revision, to use his best endeavours to make it less unworthy of the approbation which it has had the good fortune to receive. The text previously followed was that of the edition deservedly in high esteem, prepared for the press by the labours of John Michael Heusinger, and of his nephew, Jacob Frederick Heusinger; published at Brunswick, after the death of the latter, by his son, Conrad.

As early as the year 1749, John Michael had announced his intention of editing the Offices: within two or three years after, on his death, his materials fell into the hands of Jacob Frederick, a man of sound judgment, unwearied industry, and well skilled in every department of classic lore. To this work he devoted his attention for a number of years, and by the possession of several MSS. before unexamined, was enabled to verify, and to make, numerous emendations. Since the publication of that edition in 1783, no material improvement of the text, though frequently reprinted in different countries, appears to have been attempted till 1811, when a new critical edition was given at Leipsic, by Aug. Gotth. Gernhard, with a re-

print of Facciolati's Notes, and the addition of a valuable body of others, prepared by the editor himself.

Though the Heusingers' edition has been taken as the basis of the present, Gernhard's has been most carefully compared and consulted: in every instance in which his suggestions appeared to merit a preference, the text has been made conformable to them; but never without notice of the deviation, and the reasons assigned for it, in the notes. In those now added, the editor has had in view, after the elucidation of the text, a comparison of the opinions it contains, where necessary, with modern ethics.

In this country, it would seem, the Offices were more frequently in use for the instruction of youth, than is at present the case. Sir Roger L'Estrange, in his preface to an English translation (5th edition, 1699) observes "that this treatise is one of the commonest school-books we have: and as it is the best of books, so it is applied to the best of purposes, the training of youth to the study and exercise of virtue." If the endeavours of the present editor shall be found to contribute, in any degree, to that valuable purpose, he will have attained the only object he sought. A few words will be occasionally observed, placed within brackets: in all instances, these are found in some MS. or valuable edition, but not in all. To prevent repetition, this mode has been adopted, to indicate that these words are perhaps interpolated, and may be omitted, without injury to the sense.

January, 1819.

ELENCHUS CAPITUM.

LIBER PRIMUS.

LIBER SECUNDUS.

LIBER TERTIUS.

M. TULLII CICERONIS

DE OFFICIIS

AD

MARCUM FILIUM.

LIBER PRIMUS.

ARGUMENTUM.

Cum Cicero, reipublicæ libertate sublata, se ad philosophiæ studium retulisset, multosque illustres ejus locos latinis literis illustrasset, suscepit ad filium, Athenis studiis literarum operam dantem, de officiis scribere, non modo ut hic quoque locus qui latissime patet latinis literis illustraretur, sed etiam quod esset ætati Ciceronis filii, et auctoritati parentis aptissimus. Quamquam autem hæc quæstio communis est omnium Philosophorum, tamen his pæne propria est qui summum bonum honestate metiuntur, nempe Academicorum, Peripateticorum et Stoicorum, qui in constituendo summo bono verbis magis quam re discrepabant. Secutus ergo Cicero est in hac quæstione potissimum Stoicos, et ex eorum fontibus, judicio arbitratuque suo, quantum quoque modo visum est hausit. Tradita officii et definitione et divisione, quinque facit genera deliberationis in consilio capiendo; primum

honestumne factu sit an turpe, quod in deliberationem cadit; alterum conducatne an noceat; reliqua vero, ubi cum honesto pugnat id quod videtur utile, et cum aliud alio honestius aut utilius videtur, utrum alteri sit præponendum. In tres igitur partes totam disputationem distribuit, quarum prima est *de honesto*, altera *de utili*, sed dupliciter utraque, et tertia *de comparatione eorum*. c. 3. Primum formam quandam *honesti* exhibet a natura humana ductam, ejusque quatuor partes facit, sapientiam, justitiam, temperantiam, et fortitudinem seu magnitudinem animi, ex quibus singulis certa quædam officia nascuntur. c. 4. Ac de his quatuor partibus accurate disputat, et quomodo ab iis officia ducantur ostendit. c. 5—42. Huic disputationi subjicit de comparatione honesti, de duobus honestis utrum honestius. c. 43. seqq.

CAP. I. *Filium hortatur Cicero, ut cum Græcis Latina conjungat, sequaturque et philosophandi scientiam, et forense dicendi genus.*

Quamquam te, Marce fili,* annum jam audientem Cratippum, idque Athenis, abundare oportet

* *Marce fili.* This treatise was addressed to the younger Cicero when in the 21st year of his age. In the first sentence his father appears to intimate his reasons for expecting that the progress in learning made by his son had been considerable:—1st. Athens, the place of his abode, had always been renowned for the number of learned men who had there resided, or received their education; 2d. Cratippus, who had been established at Athens on Cicero's own recommendation as an instructer of youth, was reputed one of the most learned men of the age; 3d. By stating the period of the young man's residence, *annum jam*, Cicero may be supposed to hint at the improvement, which in so long a residence might reasonably be expected.

præceptis institutisque philosophiæ, propter summam et doctoris auctoritatem, et urbis; quorum alter te scientia augere potest, altera exemplis: tamen, ut ipse ad meam utilitatem semper cum Græcis Latina conjunxi, neque id in philosophia solum, sed etiam in dicendi exercitatione feci; id tibi censeo faciundum, ut par sis in utriusque orationis* facultate. Quam quidem ad rem, nos, ut videmur, magnum attulimus adjumentum hominibus nostris, ut non modo Græcarum literarum rudes, sed etiam docti, aliquantum se arbitrentur adeptos et ad dicendum, et ad judicandum.

Quam ob rem disces tu quidem a principe hujus ætatis philosophorum, et disces, quam diu voles; tam diu autem velle debebis, quoad te, quantum proficias, non pœnitebit.† Sed tamen nostra legens, non multum a Peripateticis dissidentia, quoniam utrique et Socratici et Platonici esse volumus;‡ (de rebus ipsis utere tuo judicio, nihil

The pupil appears to have lived on confidential terms with his instructer.—In a letter which has been preserved from the former, he says, Cratippo me scito non ut discipulum, sed ut filium esse conjunctissmum: nam cum audio illum libenter, tum etiam ejus propriam suavitatem vehementer amplector: sum totos dies cum eo, noctisque sæpenumero partem.—Ep. Fam. XVI. 21.

* *Utriusque orationis.* Many interpreters, ancient as well as modern, apply these words to the two languages, Greek and Latin; others, with better reason, to *Philosophia et dicendi exercitatio.* The next sentence appears to make this evident—Cicero there speaks of the benefits which his countrymen had derived from his exertions, as well *ad dicendum* as *ad judicandum.*

† *Quantum—pænitebit. As long as you are satisfied with your own improvement.*

‡ *Volumus.* Cratippus was of the Peripatetic S

enim impedio) orationem autem Latinam profecto legendis nostris efficies pleniorem. Nec vero arroganter hoc dictum existimari velim. Nam philosophandi scientiam concedens multis, quod est oratoris proprium, apte, distincte, ornate* dicere, quoniam in eo studio ætatem consumsi, si id mihi assumo, videor id meo jure quodam modo vindicare.

Quam ob rem magno opere te hortor, mi Cicero, ut non solum orationes meas, sed hos etiam de philosophia libros, qui jam illis fere æquarunt, studiose legas. Vis enim dicendi major [est] in illis, sed hoc quoque colendum est æquabile et temperatum orationis genus. Et id quidem nemini video Græcorum adhuc contigisse, ut idem utroque in genere elaboraret, sequereturque et illud forense dicendi, et hoc quietum disputandi genus: nisi forte Demetrius† Phalereus in hoc numero haberi potest, disputator subtilis, orator parum vehemens; dulcis tamen ut Theophrasti‡ discipu-

Cicero himself of the Academic. Agreeing, as both did, in bearing respect to Socrates and to Plato, the difference between them cannot, he says, be considerable.

* *Ornate.* In three words, the requisites for the due communication of our ideas are enumerated and placed in their order. The language in which they are expressed should be *appropriate*, *clear*, *elegant*.

† *Demetrius.* Born at Phaleron, one of the ports of Athens. During the reign of Cassander in Macedon, and under his influence Demetrius was chief magistrate in Athens; being afterwards banished, he died in Egypt.

‡ *Theophrasti.* A native of Lesbos and disciple of Aristotle, whom he succeeded as instructer of the Peripatetic school. During a long life, he became a voluminous author: but of his works, enumerated by Diog. Laert. V. his ἠθικοὶ χαρακτῆρες, and his treatise περὶ φυτῶν have

lum possis agnoscere. Nos autem quantum in utroque profecerimus, aliorum sit judicium: utrumque certe secuti sumus.

Equidem et Platonem existimo, si genus forense dicendi tractare voluisset, gravissime et copiosissime potuisse dicere; et Demosthenem, si illa, quæ a Platone didicerat, tenuisset et pronuntiare voluisset, ornate splendideque facere potuisse. Eodemque modo de Aristotele et Isocrate judico; quorum uterque suo studio delectatus, contemsit alterum.*

CAP. II. *Quam late pateant officia: quinam Philosophi de officiis dicere queant.*

SED cum statuissem scribere ad te aliquid hoc tempore, multa posthac, ab eo ordiri volui maxime, quod et ætati tuæ esset aptissimum, et auctoritati meæ.† Nam cum multa sint in philosophia et gravia, et utilia accurate copioseque a philosophis disputata: latissime patere‡ videntur ea, quæ de officiis tradita ab illis et præcepta sunt. Nulla enim vitæ pars neque publicis, neque privatis, neque forensibus, neque domesticis in re-

alone been preserved entire. Cicero says of him, Brut. 31. *Nemo Theophrasto dulcior.*

* *Alterum.* *The study and pursuit of the other.*

CHAPTER II.

† *Auctoritati meæ.* In several MSS., though not those of highest authority, *gravissimum* is added; the sense receives little improvement by its insertion: *most suitable to my character*, implies his own high opinion of it.

‡ *Latissime patere.* *To have the most extensive influence.*

bus; neque si tecum agas quid,* neque si cum altero contrahas, vacare officio† potest: in eoque et colendo, sita vitæ est honestas omnis, et in negligendo, turpitudo.

Atque hæc quidem quæstio communis est omnium philosophorum. Quis est enim, qui nullis officii præceptis tradendis‡ philosophum se audeat dicere? Sed sunt nonnullæ§ disciplinæ, quæ propositis bonorum et malorum finibus, officium omne pervertunt. Nam qui summum bonum sic instituit, ut nihil habeat cum virtute conjunctum, idque suis commodis, non honestate metitur; hic si sibi ipse consentiat et non interdum naturæ bonitate vincatur, neque amicitiam colere possit, nec justitiam, nec liberalitatem. Fortis vero, dolorem summum malum judicans, aut temperans, volup-

* *Agas quid.* The duties imposed by the law of nature have been distinguished by moralists into three classes; Ist. Those which regard the Supreme Being; IId, ourselves; IIId, other men. Cicero appears to have here in view the second class.

† *Officio.* The noun is derived from the verb *obficio*, used in a sense long antiquated. The preposition has had, in this instance, the same influence on the verb, as in the composition of *oblecto*, *obsequor*, *obtempero*, *obedio*; that of accommodating or making applicable. Hence another secondary application of *officium* and *officiosus* in the sense of *obligation* or *favour*.

‡ *Nullis——tradendis.* That is, *si nulla a se tradantur.* This participle has occasionally a present signification, as cap. 8. *Ac de inferenda quidem injuria satis dictum est.*

§ *Nonnullæ.* The Epicurean sect is alluded to: their opponents imputed to them the opinion that pleasure is the supreme good, and pain the supreme evil. De Fin. Tusc. Q. V. 30.

tatem summum bonum statuens, esse certe nullo modo potest.

Quæ quamquam ita sint in promtu, ut res disputatione non egeat, tamen sunt a nobis alio loco* disputata. Hæ disciplinæ igitur si sibi consentaneæ velint esse, de officio nihil queant dicere. Neque ulla officii præcepta firma, stabilia, conjuncta naturæ tradi possunt, nisi aut ab iis, qui maxime honestatem propter se dicant expetendam.† Ita propria est ea præceptio Stoicorum, Academicorum, Peripateticorum: quoniam Aristonis, Pyrrhonis, Herilli jam pridem explosa‡

* *In alio loco.* In his treatise De Finibus, and Tusc. Quæst.

† *Expetendam.* The Stoics maintained that the τὸ πρέπον alone should be pursued; in which opinion Socrates concurs: the Academics and Peripatetics held, that it is to be pursued in the first place. According to all these philosophers, therefore, Virtue is identified with Propriety. In the opinion of Epicurus, it consists in the judicious pursuit of our own interest and happiness, or in the due government of the selfish affections. By a third set of philosophers, called the latter Platonics or Eclectics, Virtue is made to consist exclusively in the exercise of those affections which aim at the happiness of others. In their opinion, disinterested benevolence is the only motive which can stamp on any action the character of Virtue. Under one of these classes, the different accounts of the nature of Virtue, which have been given in ancient or in modern times, may easily be reduced. Adam Smith, in his Theory of Moral Sentiments, Part VII. Sec. 2. discusses the subject at length, and points out the concurrence or discordance of these different systems.

‡ *Explosa.* The taste, which the Romans had formed for public sports, and for the theatre, has led to the adoption of several metaphors from that source. This word

sententia est: qui tamen haberent jus suum disputandi de officio, si rerum aliquem delectum reliquissent, ut ad officii inventionem aditus esset. Sequimur igitur, hoc quidem tempore et hac in quæstione, potissimum Stoicos, non ut interpretes; sed, ut solemus, e fontibus eorum judicio arbitrioque nostro, quantum quoque modo videbitur, hauriemus. Placet igitur, quoniam omnis disputatio de officio futura est, ante definire, quid sit officium: quod a Panætio prætermissum esse miror.* Omnis enim, quæ a ratione suscipitur de aliqua re institutio, debet a definitione proficisci, ut intelligatur, quid sit id, de quo disputetur.†

CAP. III. *Officiorum divisio.*

Omnis de officio duplex est quæstio. Unum

answers to our *hissed off.* Aristo, a native of Chios, and Herillus, a Carthaginian, were disciples of Zeno, but carried the Stoical opinions to a degree of extravagance. Pyrrho was the leader of the Sceptics. The opinions of these philosophers are classed together, as tending to disturb the landmarks which distinguish Virtue from Vice. De Fin. lib. ii. c. 13. lib. iii. c. 3. lib. iv. c. 14. and 16 Diog. Laert. lib. vii. and viii.

* *Panætio——miror.* Born at Rhodes; a philosopher of the Stoic sect. No part of his works has reached posterity. Cicero has said of him, De Fin. lib. iv. c. 9., "Homo imprimis ingenuus et gravis, dignus illa familiaritate Scipionis et Læli."

† *Disputetur.* No direct definition of the word *Officium* is however given.—In the next Chapter, Cicero proceeds to distinguish and classify duties.

genus est, quod pertinet ad finem bonorum:* alterum, quod positum est in præceptis, quibus in omnes partes usus vitæ conformari possit. Superioris generis hujus modi exempla sunt; omniane officia perfecta sint; numquid officium aliud alio majus sit, et quæ sunt generis ejusdem. Quorum autem officiorum præcepta traduntur, ea quamquam pertinent ad finem bonorum, tamen id minus apparet, quia magis ad institutionem vitæ communis spectare videntur: de quibus est nobis his libris explicandum.

Atque etiam alia divisio est officii. Nam et medium quoddam officium† dicitur, et perfectum.

CHAPTER III.

* *Finem bonorum.* The first inquiry is stated to be as to the relation which our several duties bear to the *finis bonorum*, equivalent to the *summum bonum*, thus defined by Cicero himself, De Fin. lib. iii.—"Relinquitur ut summum bonum sit, vivere scientiam adhibentem earum rerum quæ natura eveniant, seligentem quæ secundum naturam; et si quæ etiam contra naturam sunt, rejicientem; id est, convenienter congruenterque naturæ vivere." According to their tendency to attain this object, the virtues are severally to be valued and classed. This first portion of the inquiry may be termed the theoretical; the second, which may be termed the practical, examines the influence of the several rules of morality on our conduct in life.

† *Medium officium.* By the Stoics, the *media officia* are classed neither among *bona* nor *mala*; De Fin. lib. iii. "Sed cum quod honestum sit, id solum bonum esse dicamus; consentaneum tamen est fungi officio, cum id officium nec in bonis ponamus nec in malis: est enim aliquid in his rebus probabile, et quidem ita ut ejus ratio reddi potest. Ex quo intelligitur officium medium quoddam esse quod neque in bonis ponatur neque in contrariis.

Perfectum officium,* rectum, opinor, vocemus, quod Græci κατόρθωμα, hoc autem commune† officium vocant. Atque ea sic definiunt, ut rectum quod sit, id perfectum officium esse definiant; medium autem officium id esse dicant, quod cur factum sit, ratio probabilis reddi possit.‡

Triplex igitur est, ut Panætio videtur, consilii capiundi deliberatio. Nam honestumne factu sit, an turpe, dubitant, id, quod in deliberationem cadit: in quo considerando sæpe animi in contrarias sententias distrahuntur. Tum autem aut

quoniamque in iis rebus quæ neque in virtutibus sunt neque in vitiis, est tamen quiddam quod usui possit esse, tollendum id non est."

* *Perfectum officium.* This sentence is suspected by Facciolati to be an interpolation founded on a gloss brought into the text from the margin. At least it is parenthetical. After the word *commune*, Maturantius, an early editor, introduced the word Καθῆκον, which is retained in many modern editions, although not known to be warranted by a single MS. The Stoics did not in fact distribute our duties into Κατορθώματα and Καθῆκα: on the contrary the Καθῆκον was the genus divided into two species, the Κατόρθωμα and Καθῆκον μέσον, corresponding with Cicero's *officium rectum*, and *officium commune*.

† *Hoc autem commune.* In this instance *hoc* refers to that which is most remote, *medium officium;* and is used for *illud* *Hic* is not infrequently thus employed by Cicero. Sanct. Minerva. ii. 9.

‡ *Reddi possit.* Maturantius adduces as instances of the *officium medium;* when Timophanes of Corinth attempted to make himself despotical master of his native city, his brother Timoleon, instead of giving him aid, put him to death. In this case the *ratio probabilis* was the duty which Timoleon owed to his country. Again, one friend requires repayment from another of a sum borrowed: this is refused, as the borrower knows that it would be -loyed in a mode injurious to their common country.

anquirunt, aut consultant, ad vitæ commoditatem jucunditatemque, ad facultates rerum atque copias, ad opes, ad potentiam, quibus et se possint juvare, et suos, conducat id, nec ne, de quo deliberant: quæ deliberatio omnis in rationem utilitatis cadit. Tertium dubitandi genus est, cum pugnare videtur cum honesto id, quod videtur esse utile. Cum enim utilitas ad se rapere, honestas contra revocare ad se videtur, fit ut distrahatur in deliberando animus, afferatque ancipitem curam cogitandi.

Hac divisione, cum præterire aliquid maximum vitium in dividendo sit, duo prætermissa sunt. Nec enim solum, utrum honestum, an turpe sit, deliberari solet; sed etiam, duobus propositis honestis, utrum honestius; itemque, duobus propositis utilibus, utrum utilius. Ita, quam ille triplicem putavit esse rationem, in quinque partes distribui debere reperitur.* Primum igitur† est de honesto, sed duplicitur, tum pari ratione de utili, post de comparatione eorum disserendum.

CAP. IV. *Commune esse omnium animantium ut se suosque tueantur. Veri investigationem propriam esse hominis, neque ullum aliud animal sentire quid sit ordo.*

Principio generi animantium omni est a natura tributum, ut se, vitam, corpusque tueatur, de-

* *Debere reperitur.* Ciceronis, de Officiis, quæstiones sunt; I°. Honestum, an turpe. II°. Honestum, honesto, honestius. III°. Utile, an inutile. IV°. Utile, utili, utilius. V°. De Comparatione. *Betuleius.*

† *Primum igitur.* Not *primo;* by which would h

clinetque ea, quæ nocitura videantur, omniaque, quæ* sint ad vivendum necessaria, anquirat et paret, ut pastum, ut latibula, ut alia generis ejusdem. Commune autem† animantium omnium est conjunctionis appetitus, procreandi caussa, et cura quædam eorum, quæ procreata sunt. Sed inter

been signified rather the time than the order of the explanation.

CHAPTER IV.

* *Omniaque quæ*. Cicero does not seem to have been averse to the collision of syllables of similar sound. In the 12th chapter, *belloque quæritur*, are placed together. Lib. ii. c. 9. *quoque quidam*. c. 17. *omniaque quæ:* the same words De Nat. D. III. 7.; and again lib. IV. De Fin. c. 21. In the present instance, the same sound is in the same sentence repeated six times. In the French language, the perpetual recurrence of these very syllables has been remarked as tiresome: One of their best writers, M. de la Harpe, laments it in his *Cours de la Littérature:* in that work Sir Herbert Croft points out two sentences; in one of which La Harpe himself repeats this reprobated sound eight times; in the other, ten times.

† *Commune autem*. Editors of high reputation, from Aldus to Ernesti, read *item* for *autem;* but, as J. F. Heusinger maintains, without the authority of a single MS. Instances appear in the 14th and 22d chapters of this book, of *autem* used without any sense of opposition:—in lib. I. Academ. c. 4. occurs a similar instance: "Cum Speusippum, sororis filium, Plato philosophiæ quasi hæredem reliquisset, duos autem præstantissimos studio atque doctrina Xenocratem, et Aristotelem." Scheller remarks on this passage (Obss. in priscos Scriptores quosdam. Lips. 1785. p. 193.) that *autem* is by Plautus also frequently used in the sense of *item*. Mil. III. 1. 82. IV. 4. 13. Most. III. 2. 91. Merc. I. 2. 9. but that possibly it may be thought an error of transcription for *item*, or *etiam*.

hominem et beluam hoc maxime interest, quod hæc tantum, quantum sensu movetur, ad id solum, quod adest quodque præsens est, se accommodat, paullum admodum sentiens præteritum aut futurum.* Homo autem, quod rationis est particeps, per quam consequentia cernit, caussas rerum videt, earumque progressus et quasi antecessiones non ignorat, similitudines comparat, rebusque præsentibus adjungit atque adnectit futuras; facile totius vitæ cursum videt, ad eamque degendam præparat res necessarias.

Eademque natura vi rationis hominem conciliat homini, et ad orationis, et ad vitæ societatem; ingeneratque in primis præcipuum quemdam amorem in eos, qui procreati sunt;† impellitque, ut hominum cœtus et celebrationes et esse, et a se obiri velit, ob easque caussas studeat parare ea, quæ suppeditent et ad cultum, et ad victum; nec sibi soli, sed conjugi, liberis, ceterisque, quos caros habeat, tuerique debeat. Quæ cura exsuscitat etiam animos et majores ad rem gerendam facit.

In primisque hominis est propria veri inquisitio atque investigatio. Itaque cum sumus neces-

* *Aut futurum.* This is a just distinction between the volition of man and of other animals. The latter benefit comparatively little by experience; exercise no foresight; but are influenced exclusively by those objects which at the instant operate on their senses. *Quod adest, quodque præsens est,* appears tautology. One perhaps has crept in from the margin.

† *Ingeneratque—sunt.* These words are also considered by Facciolati as an interpolation. After the first, Dr. Z. Pearce (Bishop of Rochester) proposed the insertion of *ei.*

sariis negotiis curisque vacui, tum avemus aliquid videre, audire, ac discere: cognitionemque rerum aut occultarum, aut admirabilium, ad beate vivendum necessariam ducimus. Ex quo intelligitur, quod verum, simplex, sincerumque sit, id esse naturæ hominis aptissimum. Huic veri videndi cupiditati adjuncta est appetitio quædam principatus, ut nemini parere animus bene a natura informatus* velit, nisi præcipienti, aut docenti, aut utilitatis caussa juste et legitime imperanti: ex quo magnitudo animi exsistit humanarumque rerum† contemtio.

Nec vero illa parva vis naturæ est rationisque, quod unum hoc animal sentit, quid sit ordo:‡ quid sit quod deceat; in factis dictisque qui sit modus. Itaque eorum ipsorum, quæ aspectu sentiuntur, nullum aliud animal pulchritudinem, venustatem, convenientiam partium sentit. Quam similitudinem natura ratioque ab oculis ad animum transferens, multo etiam magis pulchritudinem, con-

* *Informatus*. This term is taken, not from preceptors, but from the statuary or other artist. *Informare* appears to have the same sense as the original verb, *formare*. Columella, lib. II. "Sarmentis connexus veluti funis informabitur in eam crassitudinem quam solum fossæ possit angustæ, quasi accommodatam coartatamque capere.

Ut laus est ceræ, mollis cedensque sequatur
Si doctos digitos, jussaque fiat opus,
Et nunc informet Martem, castamque Minervam,
Nunc Venerem effingat, nunc Veneris puerum."

Animus bene a natura informatus will therefore mean, *cast in a noble mould.*

† *Humanarum rerum*. By these is meant, what other men prise, as wealth, luxury, &c.

‡ *Ordo*. Εὐταξία; see chapter 41.

stantiam, ordinem in consiliis factisque conservanda putat, cavetque, ne quid indecore, effeminateve faciat;* tum in omnibus et opinionibus et factis, ne quid libidinose aut faciat aut cogitet. Quibus ex rebus conflatur et efficitur id, quod quærimus, honestum: quod etiam si nobilitatum non sit,† tamen honestum sit; quodque vere dicimus, etiam si a nullo laudetur, natura esse laudabile.

CAP. V. *Quatuor esse fontes, prudentiam scilicet, justitiam, robur animi, et temperantiam; unde oriatur omne quod honestum est.*

Formam quidem ipsam, Marce fili, et tamquam faciem honesti vides: quæ, si oculis cerneretur, mirabiles amores, ut ait Plato,‡ excitaret sapientiæ. Sed omne, quod est honestum, id quatuor partium oritur ex aliqua. Aut enim in perspicientia veri sollertiaque versatur; aut in hominum societate tuenda, tribuendoque suum cuique, et rerum contractarum fide; aut in animi excelsi atque

* *Effeminateve faciat.* Facciolati and J. M. Heusinger agree that at least the word *faciat* has been taken from the margin, and should be expunged; but the latter thinks that the words following, *tum in omnibus et opinionibus, et factis*, have no better authority.

† *Nobilitatum non sit.* *Though not loudly praised.*

CHAPTER V.

‡ *Ait Plato.* The whole passage is—Ἡ φρόνησις οὐχ ὁρᾶται, δεινοὺς γὰρ ἂν παρεῖχεν ἔρωτας, εἰ τοιοῦτον ἑαυτῆς ἐναργὲς εἴδωλον παρείχετο εἰς ὄψιν ἰόν. In Phæd.

invicti magnitudine ac robore; aut in omnium, quæ fiunt, quæque dicuntur, ordine et modo, in quo inest modestia et temperantia.

Quæ quatuor quamquam inter se colligata atque implicata sunt,* tamen ex singulis certa officiorum genera nascuntur. Velut ex ea parte, quæ prima descripta est, in qua sapientiam et prudentiam ponimus, inest indagatio atque inventio veri; ejusque virtutis hoc munus est proprium.

Ut enim quisque maxime perspicit, quid in re quaque verissimum sit, quique acutissime et celerrime potest et videre et explicare rationem, is prudentissimus et sapientissimus rite haberi solet. Quocirca huic, quasi materia, quam tractet et in qua versetur, subjecta est veritas.

Reliquis autem tribus [virtutibus] necessitates propositæ sunt ad eas res parandas tuendasque, quibus actio vitæ continetur; ut et societas hominum conjunctioque servetur; et animi excellentia magnitudoque, cum in augendis opibus utilitatibusque et sibi et suis comparandis, tum multo magis in his ipsis despiciendis, eluceat. Ordo autem, et constantia, et moderatio, et ea, quæ sunt his similia, versantur in eo genere, ad quod est adhibenda actio quædam, non solum mentis agitatio. His enim rebus, quæ tractantur in vita, modum

* *Implicata sunt.* These virtues not only have a necessary relation, but they have a necessary reliance on each other's aid. Prudence enlightens Justice in the discharge of her duties; Courage is often requisite to sustain Justice; but to prevent that Courage from becoming Rashness, Temperance or Moderation prescribes its bounds.

quemdam et ordinem adhibentes, honestatem et decus conservabimus.

CAP. VI. *Scientiæ cupiditatem a Natura homini datam: duo vitia vitanda esse, nimirum incognita pro cognitis habere, et in res obscuras et inutiles nimium studii impendere.*

Ex quatuor autem locis, in quos honesti naturam vimque divisimus, primus ille, qui in veri cognitione consistit, maxime naturam attingit humanam. Omnes enim trahimur et ducimur* ad cognitionis et scientiæ cupiditatem, in qua excellere pulchrum putamus: labi autem, errare, nescire, decipi, et malum et turpe ducimus.† In

CHAPTER VI.

* *Trahimur et ducimur.* The distinction between these verbs is made neatly by *Seneca.* Ep. 107. "Ducunt volentem Fata; nolentem trahunt."——Dumesnil's Synonymes, 489.

† *Nescire, decipi, et malum et turpe ducimus.* This surely is put too strongly. Whether ignorance be disgraceful or not, depends on circumstances. The wisest man cannot be omniscient: the more extensive indeed the sphere of his knowledge, the more conscious must he be of his deficiences. It would seem that in two instances only ignorance can deserve such unqualified reprobation. 1st. Where that knowledge has not been acquired which each man's duties and station in life make requisite. 2d. Where a man assumes and takes credit for knowledge, whether requisite or not, on subjects of which he is discovered to be ill-informed. The duty of acquiring information may be incumbent not only on individuals, but on communities; and the neglect of acquiring it may, on some occasions, reflect on them great discredit. We

hoc genere, et naturali et honesto, duo vitia vitanda sunt: unum, ne incognita pro cognitis habeamus, hisque temere assentiamus: quod vitium effugere qui volet, (omnes autem velle debent) adhibebit ad considerandas res et tempus et diligentiam.

Alterum est vitium, quod quidam nimis magnum studium multamque operam in res obscuras atque difficiles conferunt, easdemque non necessarias. Quibus vitiis declinatis, quod in rebus honestis et cognitione dignis operæ curæque ponetur, id jure laudabitur: ut in astrologia* C. Sulpicium† audimus, in geometria Sex. Pompeium‡ ipsi cognovimus, multos in dialecticis, plures in jure civili. Quæ omnes artes in veri investigatione versantur, cujus studio a rebus gerundis abduci contra officium est. Virtutis enim laus omnis in actione consistit:§ a qua tamen fit intermissio sæpe,

have, for instance, been in possession of a settlement on the coast of New Holland for a period of time equal to a generation of man: several millions of money have been expended in colonizing and maintaining that settlement; but to this day the country in the interior is utterly unknown to us. Such ignorance may indeed be termed both *malum et turpe.*

* *Astrologia*—Now termed Astronomy: the knowledge of the motion and relations of the heavenly bodies. By Seneca, Ep. 95. this science appears distinguished by the modern name.

† *C. Sulpicium.* In a war against Perses, king of Macedonia, C. Sulpicius Gallus warned his countrymen of an eclipse which was to take place on the day of battle.

‡ *Sext. Pompeium*—Uncle of the great Pompey. Cic. in Brut. c. 47.

§ *In actione consistit.* "*The most sublime speculation*

multique dantur ad studia reditus: tum agitatio mentis,* quæ numquam adquiescit, potest nos in studiis cogitationis,† etiam sine opera nostra, continere. Omnis autem cogitatio motusque animi aut in consiliis capiundis de rebus honestis, et pertinentibus ad bene beateque vivendum, aut in studiis scientiæ cognitionisque versabitur. Ac de primo quidem officii fonte diximus.

of the contemplative philosopher can scarce compensate the neglect of the smallest active duty." Adam Smith.

* *Tum agitatio mentis. Tum* is here used in the sense of *præterea*, as Ep. ad Div. v. 13. 5. "Casus enim gladiatorii similitudinesque hæ, tum rationes in ea disputatione a te collectæ vetabant me Reip. penitus diffidere."—Cælius ad Cic. VIII. 14. 7. "Nam mihi cum hominibus his, et gratia, et necessitudo est; tum causam illam, non homines odi."

† *In studiis cogitationis.* Several MSS. have *cognitionis*, but the present reading, warranted by those of best authority, is preferred both by Ernesti, and the Heusingers. Cicero seems to inculcate the constant exercise of the mind's energies, and assigns two reasons for holding that this is not incompatible with a state of action, which he admits to be the primary duty of man. 1st. There are intermissions of labour, when the attention can profitably be directed to subjects of private meditation. 2d. Perfect leisure is not requisite: even amid the business of life, moments occur when the mind may be employed *sine opera nostra*, without any immediate effort. "Cogitatio enim, quoties intermissus est somnus, ipsis noctis tenebris adjuvatur. Hæc inter medios rerum actus aliquid invenit vacui, nec otium patitur." Quintil. de Orat. X. 6.

CAP. VII. *Latissime patere justitiam: duo esse justitiæ munera; duoque injustitiæ genera; cujus causæ indicantur.*

De tribus autem reliquis* latissime patet ea ratio, qua societas hominum inter ipsos, et vitæ quasi communitas continetur: cujus partes duæ; justitia, in qua virtutis splendor est maximus, ex qua viri boni nominantur: et huic conjuncta beneficientia, quam eandem vel benignitatem,† vel liberalitatem appellari licet. Sed justitiæ primum munus est, ut ne cui quis noceat, nisi lacessitus injuria:‡ deinde ut communibus utatur pro communibus,§ privatis ut suis.

CHAPTER VII.

* *De tribus autem reliquis.* The three other virtues are Justice, Fortitude, Temperance.

† *Benignitatem.* "Hic palam docet Tullius benignitatem non significare mansuetudinem quemadmodum vulgus putat, sed beneficientiam et liberalitatem." Erasmus. Admitting that it may be used to express Beneficence, still it is probable from the derivation of *benignus*, that its original meaning was to express Benevolence, a noble disposition, a noble nature: εὐγενής. It seems formed from *bene*, and the ancient participle of *gignor;* as its opposite *malignus* from *male* and the same participle. The formation has been similar of *privignus;* corresponding with the Greek, πρόγονος.

‡ *Nisi lacessitus injuria.* On entering into society, men renounce the right of inflicting by their own hands punishment on aggressors. The sword of justice, by general consent, remains with the magistrate. In cases, indeed, where the law and the magistrate cannot afford protection, and where the danger is imminent, they are justified in repelling force by force.

§ *Ut communibus.* Not as his own property; not plucking a stake out of the public hedge.

Sunt autem privata nulla natura, sed aut vetere occupatione, ut qui quondam in vacua venerunt; aut victoria, ut qui bello potiti sunt; aut lege, pactione, conditione, sorte.* Ex quo fit, ut ager Arpinas Arpinatium dicatur; Tusculanus, Tusculanorum: similisque est privatarum possessionum descriptio.† Ex quo quia suum cujusque fit, eorum, quæ natura fuerant communia, quod cuique obtigit, id quisque teneat. Eo si qui sibi plus appetet, violabit jus humanæ societatis.

Sed quoniam, ut præclare scriptum est a Platone,‡ non nobis solum§ nati sumus, ortusque

* *Conditione, sorte.* Antecedent to any of the means here enumerated, things in a state of nature must have been appropriated in some other mode. Locke thus elucidates the point: "*Whatsoever a man removes out of the state that nature hath provided and left it in, he hath mixed his labour with, and joined to it something that is his own; and makes it his property.*" Locke on Government, ch. v. 4.

† *Descriptio.* The *assignment*, or *appropriation by authority.*

‡ *Platone.* Ep. IX. ad Archytam. "Ἀλλὰ κἀκεῖνο δεῖ σε ἐνθυμεῖσθαι ὅτι ἕκαστος ἡμῶν οὐχ αὑτῷ μόνον γέγονεν ἀλλὰ τῆς γενέσεως ἡμῶν τὸ μέν τι ἡ πατρὶς μερίζεται, τὸ δέ τι οἱ γεννήσαντες, τό δὲ οἱ λοιποὶ φίλοι." The same passage Cicero had in view, Lib. II. de Fin. "Atque ut ad Archytam scripsit Plato, non sibi se soli natum meminerit, sed patriæ, sed suis, ut perexigua pars ipsi relinquatur." In both these paraphrases, it is observable that Cicero omits the claim expressly assigned to parents: perhaps his meaning was, that parents were included among friends.

§ *Non nobis solum.* So all MSS. and early editions; not *solis;* which reading Ernesti adopts: Scheller thinks the correction unnecessary, citing Phil. II. c. 32. 'Nos nuntiationem *solum* habemus.'

nostri partem patria vindicat, partem amici; atque ut placet Stoicis,* quæ in terris gignuntur, ad usum hominum omnia creari; homines autem hominum caussa esse generatos, ut ipsi inter se aliis alii prodesse possent: in hoc naturam debemus ducem sequi, communes utilitates in medium afferre, mutatione officiorum,† dando, accipiundo, tum artibus, tum opera, tum facultatibus, devincire hominum inter homines societatem. Fundamentum est autem justitiæ fides, id est dictorum conventorumque constantia et veritas. Ex quo, quamquam hoc videbitur fortasse cuipiam durius, tamen audeamus imitari Stoicos, qui studiose exquirunt, unde verba sint ducta; credamusque, quia fit, quod dictum est, appellatam fidem.‡ Sed injustitiæ genera duo sunt: unum eorum, qui inferunt; alterum eorum, qui ab iis, quibus infertur, si possunt, non propulsant injuriam.§ Nam qui

* *Ut placet Stoicis.* In particular, Chrysippus. Vide De Fin. lib. III. c. 20. and De N. Deorum, lib II. c. 62. Some editors expunge *ut*, on account of the infinitives following *placet*. Scheller thinks *creari* should be corrected to *creata sunt, &c.* Pearce, for *atque* reads *constatque:* Olivet, following Lambinus, reads *atque ita placet.* Heumann, *utque placet.* No MS. has been referred to, warranting any of these readings: the present is confirmed by an extract from the venerable Bede, who had quoted it in the same terms.

† *Mutatione officiorum.* By reciprocal good offices.

‡ *Fidem.* By what process *fides* used in its present sense, can be formed from any verbal derived from *fio*, it is difficult to divine. The ordinary opinion is much more probable that *fides* is derived from a noun of similar import, formed from πείθω; as πίστις Æolice πίττις.

§ *Unum—injuriam.* According to the distribution of

injuste impetum in quempiam facit, aut ira, aut aliqua perturbatione incitatus, is quasi manus afferre videtur socio: qui autem non defendit, nec obsistit, si potest, injuriæ, tam est in vitio,* quam si parentes [aut amicos] aut patriam deserat.

Atque illæ quidem injuriæ quæ nocendi caussa de industria inferuntur, sæpe a metu proficiscuntur; cum is, qui nocere alteri cogitat, timet, ne nisi id fecerit, ipse aliquo afficiatur incommodo. Maximam autem partem† ad injuriam faciundam

modern ethics, the second would be classed among the violations of imperfect obligations. In all cases, and at all times, we must abstain from inflicting injuries on others: we are liable to punishment, in a state of society, and bound to make retribution always, for the injuries we ourselves commit; but the duty of interference in the defence of those whom we see injured by other persons, depends altogether on circumstances, and must be left to each man's conscience.

* *Tam est in vitio.* By this is perhaps meant, that these are sins of omission of the same nature; not that they are equal in degree—Each are culpable; not each equally culpable. By abandoning parents, friends, or native country, peculiar duties are surely violated, an aggravated offence committed: unless indeed it was intended seriously to maintain the Stoical principle; ὅτι ἴσα τὰ ἁμαρτήματα. Paradox. 3.

† *Maximam autem partem.* An elliptical expression; *quod attinet ad*, or some similar phrase being understood. Thus, Cæsar de Bell. Gall. lib. IV. c. 1. "Neque multum frumento, sed maximam partem, lacte atque pecore vivunt." In the same sense, Cicero employs *ex maxima parte:* ad Divers. Ep. 5. "Tamen ex maxima parte ea quæ es adeptus fortunæ temporibusque tribuuntur." A Gellius lib. x. cap. 13. "'Partim hominum venerunt,' plerumque dicitur, quod significat, pars hominum venit; id est, quidam homines." Some MSS. and early editions after ag-

aggrediuntur ut adipiscantur, ea, quæ concupiverunt; in quo vitio latissime patet avaritia.'

CAP. VIII. *Plerosque adduci in oblivionem justitiæ, si incidérint in honorum pecuniæve cupiditatem.*

Expetuntur autem divitiæ cum ad usus vitæ necessarios, tum ad perfruendas voluptates. In quibus autem major est animus, in iis pecuniæ cupiditas spectat ad opes, et ad gratificandi facultatem: ut nuper M. Crassus negabat, ullam satis magnam pecuniam esse ei, qui in re publica princeps vellet esse, cujus fructibus exercitum alere non posset.* Delectant etiam magnifici apparatus,

grediuntur insert *non nulli.* This seems a pleonasm, weakening the force of the sentence, as is the effect of pleonasms in general.

CHAPTER VIII.

* *Alere non posset.* This criterion of great wealth is vague and indefinite. Of what number of men does an army consist? To maintain them, for what period of of time? Parodox. vi. c. 1. our author speaks of six legions, with their auxiliaries, as constituting the requisite number. This vaunting speech is reported by Pliny, xxxiii. 10., differently, and much more probably. "M. Crassus negabat locupletem esse nisi qui redditu annuo legionem tueri posset. In agris suis sestertium clɔ. clɔ. possedit; Quiritium post Sullam ditissimus." And also Plutarch in the life of Crassus: Ἐκεῖνο δὲ οὐκ εὖ, τὸ μηδένα νομίζειν μηδὲ φάσκειν εἶναι πλούσιον, ὃς οὐ δύναται τρέφειν ἀπὸ της οὐσίας στρατόπεδον. There are in the British dominions several individuals who, if they were to devote their hole capital and credit to that object, could maintain an

vitæque cultus cum elegantia et copia. Quibus rebus effectum est, ut infinita pecuniæ cupiditas esset. Nec vero rei familiaris amplificatio, nemini nocens, vituperanda est: sed fugienda semper injuria [est.]

Maxime autem adducuntur plerique, ut eos justitiæ capiat oblivio, cum in imperiorum, honorum, gloriæ cupiditatem inciderunt. Quod enim est apud Ennium,

*Nulla sancta societas, nec fides regni est;**

id latius patet.† Nam quidquid ejusmodi est in quo non possint plures excellere, in eo fit plerumque tanta contentio, ut difficillimum sit servare sanctam societatem. Declaravit id modo temeritas C. Cæsaris, qui omnia jura divina atque humana pervertit‡ propter eum, quem sibi ipse opinionis errore finxerat principatum. Est autem in hoc genere molestum, quod in maximis animis, splen-

army, for instance, of 30,000 men, for six months. And, as has been observed in ancient as well as in modern times, if money procures soldiers, soldiers can procure money. After all, J. M. Heusinger's remark on this subject appears just, that the Triumvir might mean to insinuate, not that his wealth was adequate to the support of an army, but that the very contrary being notorious, public liberty could not be endangered by him.

* *Regni est.* But small fragments of the works of Ennius have been preserved: from which of them this line is borrowed, must now remain unknown.

† *Id latius patet.* That has a more extensive application.

‡ *Pervertit.* But a few months had elapsed between the death of Cæsar and the composition of this treatise. Whilst he was alive and in possession of power, Cicero had been as extravagant in his adulation.

didissimisque ingeniis plerumque exsistunt honoris, imperii, potentiæ, gloriæ cupiditates. Quo magis cavendum est, ne quid in eo genere peccetur.

Sed in omni injustitia permultum interest, utrum perturbatione aliqua* animi, quæ plerumque brevis est, et ad tempus, an consulto et cogitata† fiat injuria. Leviora enim sunt ea, quæ repentino aliquo motu accidunt, quam ea, quæ meditata‡ et præparata inferuntur. Ac de inferenda§ quidem injuria satis dictum est.

CAP. IX. *Alteram injustitiæ speciem inesse in prætermissione defensionis. Hujus notantur caussæ.*

PRÆTERMITTENDÆ autem defensionis, deserendique officii, plures solent esse caussæ. Nam

* *Perturbatione aliqua.* *In a sudden ebullition of passion.* Tusc. Quæst. IV. 5. "Quæ Græci πάθη vocant, nobis perturbationes appellari magis placet, quam morbos."

† *Cogitata.* Several editors, not relishing the construction of an adverb joined by a conjunction, to an adjective or participle, after this word to *cogitate*, or to *cogitato*. The latter word (adopted by Ernesti) in an adverbial form, has not been discovered elsewhere. In chap. 38. of this book, occurs an instance of a similar construction. *Ad hoc genus castigandi raro invitique veniamus.* Another, lib. VII. Ep. 22. ad Div. "Bene potus seroque redieram."

‡ *Meditata.* *Designed.* This participle is not unfrequently employed in a passive sense: the verb itself has been so employed by Min. Fel. cap. 25. 12. "Ubi magis a sacerdotibus quam inter aras et delubra, conducuntur stupra, adulteria meditantur?"

§ *Inferenda.* Vide. ch. II. Note 4.

aut inimicitias, aut laborem, aut sumtus suscipere nolunt; aut etiam negligentia, pigritia, inertia;* aut suis studiis quibusdam occupationibusve sic impediuntur, ut eos, quos tutari debeant, desertos esse patiantur. Itaque videndum est,† ne non satis sit id, quod apud Platonem est in philosophos‡ dictum; quod in veri investigatione versentur, quodque ea, quæ plerique vehementer expetunt, de quibus inter se digladiari so-

CHAPTER IX.

**Negligentia, Pigritia, Inertia. Negligentia, Indifference;* absence of diligence, although the person who gives way to it may be aware of his duties. *Pigritia, lasiness. Definiunt pigritiam metum consequentis laboris.—Inertia, unfitness for exertion. Artibus qui carebant, inertes a majoribus appellabantur.* "Paulum sepultæ distat inertiæ celata virtus." Hor. Synonym. de Dumesnil. 444.

† *Videndum est.* In this sentence, and in others, this phrase is used nearly in the sense of *verendum est.* Lib. V. Ep. 4. "Vide, ne, cum velis revocare tempus omnium reservandorum, cum qui servetur non erit, non possis." Lib. XIV. Ep. 14. "Reliquum est quod ipsæ optime considerabitis, vestri similes fœminæ sintne Romæ. Si enim non sunt, videndum est ut honeste vos esse possitis." Cicero means to intimate with diffidence an opinion not agreeing with that of Plato.

‡ *In Philosophos.* Not *against* the philosophers, but *in their favour*. Thus in the 39th chapter of this book, *Quod quidem his temporibus in multis licet dicere.* De Legg. c. 19. "Quod autem ad contrariam laudem in virtutem dici potest." Sueton. Tib. c. 20. "Hi quoque qui tecum fuerunt omnes confitentur versum illum in te posse dici,

Unus homo nobis vigilando restituit rem."

Cicero collected this opinion of Plato, probably from the VIth and VIIth Books of his Republic, in which the sense, rather than the words, may be discovered.

lent, contemnant et pro nihilo putent, propterea justos esse. Nam alterum justitiæ genus assequuntur, in inferunda ne cui noceant injuria; in alterum incidunt.* Discendi enim studio impediti, quos tueri debent, deserunt. Itaque eos ad rem publicam nec accessuros quidem† putat, nisi coactos. Æquius autem erat, id voluntate fieri. Nam hoc ipsum ita justum est, quod recte fit, si est voluntarium.

Sunt etiam, qui aut studio rei familaris tuendæ,

* *Incidunt.* Several MSS. and early editors after *nam* have introduced *dum*, which is the reading adopted by Bishop Pearce. Ernesti in his Clavis Ciceroniana interprets *incidunt* by *offendunt*, *violant.* A metaphor possibly taken from the shock of two persons running against each other by accident. Pro Planc. c. 7. "Si quando, ut fit, jactor in turba, non illum accuso qui est in summa sacra via, cum ego ad Fabium Fornicem impellor, sed eum qui in me ipsum incurrit atque incidit."

† *Nec accessuros quidem.* This passage appears with considerable variations in different MSS. *ne ad remp. quidem access.—Nec ad remp. quidem access.—Nec eos ad remp. quidem access.—Nec quidem access. Facciolati* alone edits *non access.* This variance possibly arose from the separation of the *ne* and *quidem*, and the insertion between them, by different editors, of different words. The last ingenious and learned editor of our author's golden treatises, *De Senect.* and *De Amic.* *Mr. E. H. Barker* suggests (p. 18. Notes. 2d edition) with great probability, that *ne-quidem* in the sense of *not even*, is formed from the junction of *nec* and *quidem;* when separated, therefore, that the whole of each word should be retained, as appears in the second of the MSS. referred to; when joined, that the two words should coalesce into one; as in nequicquam. *Nec,* he observes, with the ellipse of *quidem;* and *neque*, are used in the sense of *nay even;* of which instances are given.

aut odio quodam hominum, suum se negotium agere dicant, ne facere cuiquam videantur injuriam: qui altero injustitiæ genere vacant, in alterum incurrunt. Deserunt enim vitæ societatem, quia nihil conferunt in eam studii, nihil operæ, nihil facultatum.

Quoniam igitur duobus generibus injustitiæ propositis, adjunximus caussas utriusque generis, easque res ante constituimus, quibus justitia contineretur: facile, quod cujusque temporis officium sit, poterimus, nisi nosmetipsos valde amabimus, judicare. Est enim* difficilis cura rerum alienarum. Quamquam Terentianus ille Chremes† humani nihil a se alienum putat. Sed tamen‡ quia magis ea percipimus atque sentimus, quæ nobis ipsis aut prospera, aut adversa eveniunt, quam illa, quæ ceteris, quæ quasi longo intervallo interjecto, videmus; aliter de illis, ac de nobis, judicamus. Quocirca bene præcipiunt, qui vetant quidquam agere, quod dubites,§ æquum sit, an iniquum. Æquitas enim lucet ipsa per se||, dubitatio cogitationem significat injuriæ¶.

* *Enim.* Bishop Pearce conjectures that for *enim*, we should read *quidem*: Ernesti would prefer *tamen*, or *autem*.

† *Chremes.* Heautont. i. 1. 25.

‡ *Sed tamen.* These conjunctions serve to connect this sentence with the preceding, *est difficilis cura*, &c.

§ *Quod dubites.* Plin. Lib. 1. Ep. 18. "Si tutius putas illud cautissimi cujusque præceptum; quod dubitas, ne feceris; id ipsum rescribe."

|| *Lucet ipsa per se.* In an extract of this passage found in the writings of Bede, it is given *per se lucet*: *ipsa* is omitted, and certainly does not appear necessary.

¶ *Injuriæ.* Mutianus, apud Tacitum. Histor. 77. Qui deliberant, desciverunt.

CAP. X. *Justitiam commutari quum tempora commutantur: non omnia promissa servanda esse.*

Sed incidunt sæpe tempora, cum ea, quæ maxime videntur digna esse justo homine, eoque, quem virum bonum dicimus, commutantur fiuntque contraria.* Ut, reddere depositum, promissum facere, quæque pertinent ad veritatem et ad fidem, ea migrare interdum, et non servare, fit justum.† Referri enim decet ad ea, quæ posui [principio,] fundamenta justitiæ: primum, ut ne cui noceatur; deinde, ut communi utilitati‡ serviatur.

Ea cum tempore§ commutantur, commutatur officium, et non semper est idem. Potest enim accidere promissum aliquod et conventum, ut id

CHAPTER X.

* *Fiuntque contraria. Change their nature and assume a contrary character.*

† *Non servare fit justum.* These cases arising from the conflict of opposite duties, though not of very frequent occurrence, yet sometimes certainly give birth to great difficulties. In the right decision of these, and not confounding the rule with the exception, true wisdom appears. In the 25th chapter of the 3d book this subject is again considered.

‡ *Communi utilitati.* "Id est (says Erasmus) tum ejus qui præstat justum, tum illius in quem præstatur." The more usual interpretation is, *for the public benefit.*

§ *Ea cum tempore.* Some editors have adopted *quum tempora*, but not on sufficient authority. *Ea* refers to the preceding *nemini nocere*, and *communi utilitati servire:*

effici sit inutile* vel ei, cui promissum sit, vel ei, qui promiserit. Nam si, ut in fabulis† est, Neptunus, quod Theseo promiserat, non fecisset, Theseus Hippolyto filio non esset orbatus. Ex tribus enim optatis, ut scribitur, hoc erat tertium, quod de Hippolyti interitu iratus optavit; quo impetrato, in maximos luctus incidit. Nec promissa igitur servanda sunt ea, quæ sunt‡ iis, quibus promiseris, inutilia: nec si plus tibi noceant, quam illi prosint cui promiseris, contra officium est, majus anteponi minori. Ut, si constitueris, cuipiam te advocatum in rem præsentem esse venturum, atque interim graviter ægrotare filius cœperit, non sit contra officium non facere, quod dixeris; magisque ille, cui promissum sit, ab officio discedat, si se destitutum queratur.§ Jam illis promis-

although these are fundamental rules, yet peculiar circumstances may make it matter of consideration, whether these rules must not give way.

* *Inutile.* This adjective is employed by Cicero and others, not in the sense of *unprofitable*, but of *mischievous*, *noxious*. The corresponding adjective, ἀχρεῖος, appears to have received in Greek a similar deflection of meaning: see Heyne's Homer, Il. B. 269. Ἀλγήσας δ' ἀχρεῖον ἰδὼν, ἀπεμόρξατο δάκρυ.

† *In fabulis.* In tragedies; alluding, perhaps, to the Hippolytus of Euripides. Εἰσὶ δὲ αἱ εὐχαὶ Θησέως πρὸς Ποσειδῶνα, τρεῖς, πρῶτον, ἀνελθεῖν ἐξ ᾅδου, δεύτερον, ἐκ λαβυρίνθου, τρίτον, Ἱππολύτου θάνατος. Schol. ad Hippol. v. 1349.

‡ *Sunt.* In this reading, the extracts of Bede, and several MSS. concur; generally *sint*, which reading the Heusingers adopt. But in a parallel passage, III. 25. *quæ non sunt iis ipsis utilia, quibus illa promiseris;* no diversity of reading appears.

§ *Destitutum queratur.* This is very slippery morality:

sis standum non esse,* quis non videt, quæ coactus quis metu,† quæ deceptus dolo promiserit? Quæ quidem pleraque jure prætorio liberantur,‡ non nulla legibus.§

before making a promise, the terms of it should be well weighed, and the cases of non-compliance expressly guarded against; after making it, circumstances may indeed arise, which may render its performance injurious to one party or the other. Both Grotius II. 16, 27; and Puffendorf, V. 12, 22; decide that these cases must be considered as tacitly excepted, and the promiser released. Whether the promise shall be performed or not, ought, however, to be determined, if possible, rather by him who receives, than by him who gives, the promise. If the danger be likely to fall on the promiser himself, and were within his view at the time of making the promise, or might have been by common foresight, that danger cannot afford him an excuse for breach of promise. For instance, if a son had pledged his word to join his father at a fixed time in Jamaica, he could hardly be admitted on the authority of Cicero, though expressly in his favour, to exculpate himself for the breach of promise, by alleging that the pleasure, which his father might receive from its observance, was more than counterbalanced by the risk to which he himself would be exposed from the yellow fever.

* See L. III. 16.

† *Coactus—metu.* This is a position not to be hastily adopted: at least it cannot be universally true: if it were, no treaty with a conqueror is binding on the conquered. Whether, and how far, such a promise can be pronounced to be binding, will depend on its nature, and on a narrow examination of the circumstances. Vide Lib. III c. 29.

‡ *Prætorio liberabantur.* The Prætor's tribunal possessed an equitable jurisdiction, called the *jus honorarium*, resembling that of our courts of equity. Contracts extorted by force, fear, or fraud, could there be rescinded.

§ *Legibus.* By the Lætorian law, annulling compacts

Exsistunt etiam sæpe injuriæ calumnia quadam et nimis callida, sed* malitiosa juris interpretatione. Ex quo illud, *summum jus, summa injuria*,† factum est jam tritum sermone proverbium. Quo in genere etiam in republica multa peccantur: ut ille,‡ qui, cum triginta dierum essent cum hoste induciæ factæ, noctu populabatur agros, quod dierum essent pactæ, non noctium induciæ.§ Ne noster quidem probandus, si verum est, Q. Fabium Labeonem,‖ seu quem alium (nihil enim præter auditum habeo) arbitrum Nolanis et Neapolitanis de finibus a senatu datum, cum ad locum venisset, cum utrisque separatim locutum, ut ne cupide quid agerent, ne appetenter; atque ut regredi, quam progredi mallent. Id cum utrique fecissent, aliquantum agri in medio relictum est.

with persons pronounced prodigals; and by the Aquilian law. See I. III. c. 14. De Nat. D. III. 29.

* *Sed*. This particle has not always an adversative sense, but is employed as the Greek ἀλλὰ, in the sense of *immo vero*; *et quidem*. Plaut. Cass. III. 5, 50. "Etiamne habet gladium? Habet sed duos." Ep. ad. Att. iii. 15. "Hic mihi primum meum consilium defuit, sed etiam obfuit." Ovid. Met. XIV. 384. For *sed*, some MSS. have *et*.

† *Injuria*. Heautont. IV. 5. 48.

‡ *Ille*. *Fecit; peccavit*, understood. Ernesti.

§ *Noctium induciæ* This fraud is imputed by Plutarch Lacon. Apophth. to the first Cleomenes, king of Sparta.

‖ *Labeonem*. Consul with M. Claudius Marcellus. A. U. C. 507. Val. Maxim. VII. 3. It is there added, that on another occasion, after the defeat of Antiochus by the Romans, Labeo made a treaty with him, one article of which stipulated for the surrender of half his fleet. When this came to be performed, Labeo insisted that by the surrender of one half the fleet, was meant one half of each individual vessel; which he accordingly proceeded to saw asunder.

Itaque illorum fines sic, ut ipsi dixerant,* terminavit; in medio relictum quod erat, populo Romano adjudicavit. Decipere hoc quidem est, non judicare. Quocirca in omni re fugienda est talis sollertia.

CAP. XI. *Esse ulciscendi et puniendi modum; et belli conservanda jura.*

Sunt autem quædam officia etiam adversus† eos servanda, a quibus injuriam acceperis. Est enim ulciscendi et puniendi modus. Atque haud scio, an‡ satis sit, eum, qui lacessierit, injuriæ suæ pœnitere; ut et ipse ne quid tale posthac,§ et ceteri sint ad injuriam tardiores.

* *Dixerant. Had fixed*, or *settled*. The verb *dico* is probably derived from the ancient *δείκω*, whence *δεικνύω*. *Diem dicere, partem dicere*, are in a similar sense.

CHAPTER XI.

† *Adversus.* This preposition, in the sense of *erga*, is repeated c. 13 and 28.

‡ *Haud scio, an.* These words express an affirmative opinion, but diffidently, and with a shade of doubt. Formula modeste affirmantis, idemque fere valet ac fortasse; sed ita ut magis ad affirmandi fiduciam quam ad dubitationem accedat. Schutz Doctrina particularum Lat. linguæ. Where the verb following is in the indicative, Mr. Barker observes on this phrase, in a note on Cato Major, c. 20., that it must be understood to express a higher degree of certainty.

§ *Posthac.* In some MSS. *faciat*; in others, *committat* is added; copied, probably, from the margin. The expression is elliptical, as in *ne quid temere*, cap. 24.—" Si umquam posthac." Pro Ligar. c. 10. " Posthac si quidem." Terent. Phorm. 1. 2. 92.

Atque in re publica maxime conservanda sunt jura belli. Nam cum sint duo genera decertandi, unum per disceptationem, alterum per vim; cumque illud proprium sit hominis, hoc beluarum: confugiendum est ad posterius, si uti non licet superiore.

Quare suscipienda quidem bella sunt ob eam caussam, ut sine injuria in pace vivatur: parta autem victoria, conservandi ii, qui non crudeles in bello, non immanes* fuerunt. Ut majores nostri Tusculanos, Æquos, Volscos, Sabinos, Hernicos in civitatem etiam acceperunt: at Carthaginem et Numantiam funditus sustulerunt. Nollem Corinthum:† sed credo aliquid secutos,‡

* *Non immanes.* By this is intimated that cruelty and inhumanity in the conduct of our enemies justify, on our part, the same crimes; or, as they are termed, reprisals. A most dangerous doctrine and practice! For where are they to end? What crimes may not be thus justified? In a moment of irritation, with arms in our hands, we judge of the offence, and proceed to inflict the punishment. If this exceeds, or is thought by the sufferer to exceed, by a hair's breadth, the wrong done, they are justified on our own principles in retaliation, accompanied perhaps with fresh aggravation.

† *Nollem Corinthum.* Destroyed by L. Mummius. A. U. C. 607. "Facinus indignum!" exclaims Florus, with perfect justice; "ante oppressa est quam in numerum certorum hostium referretur." Florus II. 16.

‡ *Aliquid secutos.* In this passage the MSS. vary:—*aliquos secutos; illos secutos; aliquid secuturos;* which Bishop Pearce thinks should be altered to *aliqua eos.* The present reading is preferred by J. F. Heusinger, as expressing *quæsisse*, vel *spectasse; that they had in view a particular object.* "Argentum quoque magis quam aurum sequuntur." Tac. Germ. cap. 5. Vide the note on this

opportunitatem loci maxime, ne posset aliquando ad bellum faciundum locus ipse* adhortari. Mea quidem sententia, paci quæ nihil habitura sit insidiarum, semper est consulendum. In quo si mihi esset obtemperatum,† si non optimam, [at] aliquam rem publicam, quæ nunc nulla est, haberemus. Et cum iis, quos vi deviceris, consulendum est; tum ii, qui, armis positis, ad imperatorum fidem confugient, quamvis murum aries,‡ percusserit, recipiendi [sunt.] In quo tanto opere apud nostros justitia culta est, ut ii, qui civitates aut nationes devictas bello in fidem recepissent, earum patroni essent§ more majorum.

passage, Barker's Classical Recreations, page 85, confirming Heusinger's interpretation. "Sequi, denique significat aliquid petere tanquam finem sibi propositum, tanquam feram quam capere velis." Longolius.

* *Locus ipse.* The peculiar situation of Corinth; communicating with two seas, the Ionian and Ægean, and commanding the entrance into the Peloponnesus. The city itself was built on the acclivity of a hill, on the summit of which was erected a strong citadel. From these advantages, Corinth had become the emporium of commerce, and the seat of flourishing manufactures.

† *Obtemperatum.* Alluding to his unsuccessful attempts to effect a reconciliation between the parties of which Pompey and Cæsar were the leaders.

‡ *Murum aries.* By the Roman policy, the inhabitants of besieged towns, who retarded their surrender till the battering-ram had touched their walls, were deprived of life or liberty. Cicero thinks this practice should be tempered with mercy. "Cæsar respondit (Adriaticis) se magis consuetudine sua, quam merito eorum, civitatem conservaturum, si prius quam aries murum attigisset, se dedidissent." Bell. Gall. lib. II. c. 32.

§ *Patroni essent.* The protection of these provinces in

Ac belli quidem æquitas sanctissime fetiali* populi Romani jure perscripta est. Ex quo intelligi potest, nullum bellum esse justum, nisi quod aut rebus repetitis geratur, aut denuntiatum† ante sit, et indictum. Popillius imperator tenebat provinciam, in cujus exercitu Catonis‡ filius tiro militabat. Cum autem Popillio videretur unam dimittere legionem, Catonis quoque filium, qui in eadem legione militabat, dimisit, Sed cum amore pugnandi in exercitu remansisset, Cato ad Popillium scripsit, ut, si eum pateretur in exercitu remanere, secundo eum obliget militiæ sacramento: quia, priore amisso jure, cum hostibus pugnare non poterat. [Adeo summa erat observatio in bello movendo.§] Marci quidem Catonis senis est epistola ad Marcum filium, in qua scribit, se

the senate, and the attention to their interests in general, devolved on the conquerors and their descendants. Thus the Scipios were patrons of the Africans; the Æmilii Pauli of the Macedonians; the Marcelli of the Sicilians.

* *Fetiali.* This body of laws regulated the mode and ceremonies of declaring war, of negotiating and entering into treaties with the enemy. During the republic, public functionaries, called *Fetiales*, twenty in number, at once priests and heralds, were the depositaries of these laws, and carried them into execution. Livy (lib. i. c. 32.) ascribes their institution to Ancus Marcius.

† *Aut denuntiatum.* For the second *aut*, Facciolati substitutes *et;* but the usual reading, as well of MSS. as of the early editors, is probably correct. The Romans were not always on the defensive: they must often have declared war on other grounds besides that of reclaiming property pretended to be abstracted.

‡ *Catonis.* Of the elder Cato, the censor.

§ *Adeo—movendo.* This sentence Grævius and Facciolati consider as an interpolation.

audisse, eum missum factum esse a consule, cum in Macedonia, bello Persico* miles esset. Monet igitur, ut caveat, ne prælium ineat. Negat enim jus esse, qui miles non sit, cum hoste pugnare.

CAP. XII. *Quæ fuerit veterum Romanorum erga hostes mansuetudo: quid servandum sit quum de imperio decertatur.*

Equidem illud etiam animadverto, quod, qui proprio nomine perduellis esset, is hostis vocaretur, lenitate verbi† rei tristitiam mitigatam. Hos-

* *Persico bello.* The second Macedonian war against Perses, their last king.

CHAPTER XII.

† *Lenitate verbi.* Granting the fact that the original meaning of the word *hostis* was *a stranger*, its gradual adaptation to another meaning might proceed from a cause, differing widely from that on which Cicero is so much disposed to compliment the fine feelings and politeness of his countrymen. This *euphemism*, on the contrary, ill accords with the words or actions of a people so rude and pugnacious as their own history evinces; who, whilst their own masters, shut the temple of Janus but once. It would seem more probable that, from their incessant wars with all their neighbours, every person not a fellow-citizen, was assimilated to an enemy. The man who, in the ancient sense of the word, was *hostis*, would be generally, or at least at some time, also *hostis* in the present sense. When any person unknown, and a stranger, was seen, the probability, the first suspicion would be, that his country was at war with Rome.

"From the manners of the times, it is much more probable that the ferocity of those people was so great as to make them regard all strangers as enemies, and call them

tis enim apud majores nostros is dicebatur, quem nunc peregrinum dicimus. Indicant duodecim, [tabulæ]* ut, STATUS DIES CUM HOSTE :† itemque, ADVERSUS HOSTEM ÆTERNA AUCTORITAS.‡ Quid ad hanc mansuetudinem addi potest, eum, qui cum bellum§ geras, tam molli nomine appellari? Quamquam id nomen durius jam effecit vetustas. A peregrino enim recessit, et proprie in eo, qui arma contra ferret, remansit.

Cum vero de imperio decertatur, belloque quæritur gloria, caussas omnino subesse tamen oportet easdem, quas dixi paullo ante justas caussas esse

by the same name. It is not besides consistent with the most common maxims of policy or nature, that any state should regard its public enemies with a friendly eye, or preserve any such sentiments for them as the Roman orator would ascribe to his ancestors. Not to mention that the early Romans really exercised piracy, as we learn from their first treaties with Carthage, (Polyb. l. iii.) and consequently, like the Sallee and Algerine rovers, were actually at war with most nations; and a stranger and an enemy were with them almost synonymous."—*Hume's Essay on Commerce*. Note.

* *Tabulæ*. Omitted by J. F. Heusinger, on the authority of but one MS. See iii. 15.

† *Cum hoste*. The terms of this law have not been preserved: perhaps this was the title of some regulation respecting litigations, in which one party was a Roman, the other an alien.

‡ *Æterna auctoritas*. A. Gell. l. xxii. c. 28. This is interpreted to mean, *No prescription can give a property to a stranger; a Roman shall not be divested of his interest in favour of a stranger, by any lapse of time.*

§ *Bellum*. On the authority of several MSS., Bishop Pearce, Ernesti, and the latest editor of this work, A. G. Gernhard, Leips 1811, adopt this reading. That of the Heusingers is *bella*.

bellorum. Sed ea bella, quibus imperii gloria proposita est, minus acerbe gerenda sunt. Ut enim cum civi aliter contendimus, si est inimicus, aliter, si competitor; cum altero certamen honoris et dignitatis est, cum altero capitis et famæ; sic cum Celtiberis, cum Cimbris bellum, ut cum inimicis, gerebatur, uter esset,* non uter imperaret; cum Latinis, Sabinis, Samnitibus, Pœnis, Pyrrho, de imperio dimicabatur. Pœni fœdifragi, crudelis Hannibal,† reliqui justiores. Pyrrhi quidem de captivis reddendis illa præclara:

* *Uter esset.* In the Celtiberian war, the existence of Numantia was indeed at stake, as the event showed: but in what way the existence of Rome could be endangered, as Cicero asserts, is not so evident.

† *Fœdifragi, crudelis Hannibal.* It would seem that the first word, if regularly formed, should be *fœderifragi*: A. Gellius, 19. 7. 5. states it to be of rare occurrence. We may regret the want of contemporary, impartial history, or of that of Carthage itself, by a comparison of which, with the Roman, we might judge to what leader, and to which nation, these epithets might most justly be applied. The habits of the Carthaginians were commercial; which indicates security of property under just laws, industry, and the cultivation of the arts of peace. The habits of the Romans were exclusively military. From their representation alone, we derive our knowledge of their enemies. Through this partial medium we perceive that, even in their own art, these enemies were often superior. An ingenious modern, writing in their tongue, has observed, "Mihi quidem tres victoriæ Annibalis, ad Trebeiam, ad Thrasymenum, ad Cannas, omnibus rebus gestis Alexandri, longe præponendæ videntur. Quid enim? Has iste de egregiis bellatoribus tulit; illi, cum inertibus Asiæ populis, negotium fuit." Busbequii Ep. iv. p. 235. Comparing Hannibal's means with what ·ffected, he seems to be among the first generals, or

Nec mî aurum posco, nec mi pretium dederitis;
Nec cauponantes* bellum, sed belligerantes,
Ferro, non auro, vitam cernamus utrique.
Vosne velit, an me regnare hera, quidve ferat, Fors,
Virtute experiamur. Et hoc simul accipite† dictum:
Quorum virtuti belli fortuna pepercit,
Eorumdem me libertati parcere certum est.
Dono, ducite, doque volentibus cum magnis dîs.

Regalis sane, et digna Æacidarum‡ genere sententia.

the very first, in history: had not domestic faction cramped his efforts, it is probable that he would have crushed this nest of hornets.

* *Cauponantes.* The derivation of *caupo*, from which this verb is formed, as well as of κάπηλος, and καπηλεύειν, has been much canvassed: vide Barker's Classical Recreations, p. 353., and the authors there cited. These words are most probably allied to the German *Kauffen*, *Kauffman.* They seem employed in Latin always in a mean sense. Æschylus (Septem ap. Theb.) also uses the phrase καπηλεύειν μάχην: and Herodian (lib. vi. 7. 22.) καπηλεύειν εἰρήνην χρυσῷ.

† *Accipite.* When the Latin was a spoken language, the sound of *s* was probably never given, as it is at present, to the letter *c* before some vowels. The participle of *doceo* is *doctus*: *Cæsar* becomes in Greek Καῖσαρ: our author's name Κικέρων. By deviating from this pronunciation, much inconvenience has arisen: *Scena* and *cœna*; *cygni* and *signi*; *celeri* and *sceleri*; *cera* and *sera*, with several other words, are undistinguishable. The word in the text was probably sounded *ackipite*, and was here contracted, as the measure proves, to *ac'pite*: thus Hor. Sat. ii. 3, 283. *sur'pite.* Æn. viii. 274. *por'gite.*

‡ *Æacidarum.* Pyrrhus claimed descent from Æacus,

CAP. XIII. *Quæ singulorum sint in bello officia erga hostes; quæque servis præstanda. Justitia simulata nihil esse capitalius.*

Atque etiam si quid singuli temporibus adducti* hosti promiserunt, est in eo ipso fides conservanda. Ut primo Punico bello, Regulus captus a Pœnis,† cum de captivis commutandis Romam missus esset, jurassetque se rediturum, primum, ut venit, captivos reddendos in senatu non censuit:‡ deinde, cum retineretur a propinquis, et ab amicis, ad supplicium redire maluit, quam fidem

who was, during his life, famed for justice and magnanimity, Ἑλλήνων ὁσιώτατος. Plut. in Theseo. The term *genus* is applied to an individual by Horace, Sat. ii. 5. 62.

"Ab alto—demissum genus Ænea."

and by Virgil, either to Pyrrhus himself, or to one of his descendants.

"——————————— eruet ille
Ipsumque Æaciden, genus armipotentis Achillei."

CHAPTER XIII.

* *Temporibus adducti. Induced by circumstances.*

† *Captus a Pœnis.* In an expedition to the Carthaginian territory, and after having put the capital into great peril, M. Attilius Regulus was taken prisoner by Xanthippus, whom the Carthaginians had engaged in their service. Vide lib. iii. 27.

‡ *Censuit.* In one MS. appears perhaps the preferable reading, "Captivos *non* reddendos, in senatu censuit." See iii. 27. 30. 31. "reddi captivos negavit esse utile:—captivos retinendos censuit."

hosti datam fallere. [Secundo autem Punico bello,* post Cannensem pugnam, quos decem Hannibal Romam astrictos misit jure jurando se redituros esse, nisi de redimendis iis, qui capti erant impetrassent; eos omnes, censores, quoad quisque eorum vixit, qui pejerassent, in ærariis reliquerunt.† Nec minus illum, qui juris jurandi *fraude culpam* invenerat.‡ Cum enim Hannibalis

* *Secundo.* This sentence, and the six following, ending at the words *cum scelere approbavit*, are not found in many valuable MSS.; and are deemed spurious by many editors. As they are suited to Cicero's argument, the Heusingers, with others, have given them admission.

† *Ærariis reliquerunt.* Both these communications had for their object the exchange or redemption of prisoners. On this occasion, to which people should the charge of inhumanity be applied? To those who offer, or to those who reject? *In ærariis relinquere, ærarium facere, inter ærarios referre*, was the act of the Censor. By its effect the person punished was displaced from his *Centuria*, and in fact disfranchised. "Scilicet ad hoc ut esset civis; sed tantummodo, ut pro capite suo, tributi nomine æra penderet. Rursus ex ærariis eximere, est aliquem hac multa levare." Betuleius.

‡ *Culpam invenerat.* Here is palpably some error. The edition by Anemoecius (Windheim,) Basil. 1541. in which he affirms *nihil in Cicerone se tentasse quod non sui codicis auctoritate testari potuerit*, gives, *qui jure jurando fraude culpam invenerat.* Cockman found the reading of one MS. *qui jure jurando fraudis culpam.* But neither reading improves the sense. J. M. Heusinger offers a conjecture founded on the observation that Cicero sometimes employs diminutives apparently of his own coining; as *ædificatiuncula, commotiuncula, conciliatricula, conclusiuncula, contractiuncula, interrogatiuncula, possessiuncula, sedecula, sessiuncula, stipulatiuncula, tonstricula*; th he may here have written *fraudiculam.* When copr

permissu exisset de castris, rediit paullo post, quod se oblitum nescio quid diceret. Deinde egressus e castris, jure jurando se solutum putabat. Et erat verbis, re non erat. Semper autem in fide, quid senseris, non quid dixeris, cogitandum. Maximum autem exemplum est justitiæ in hostem a majoribus nostris constitutum, cum a Pyrrho perfuga senatui est pollicitus, se venenum regi daturum, [et eum necaturum].* Senatus et C. Fabricius perfugam Pyrrho dedit.† Ita ne hostis quidem, et potentis, et bellum ultro inferentis, interitum, cum scelere approbavit.]

Ac de bellicis quidem officiis satis dictum est. Meminerimus autem, etiam adversus infimos justitiam esse servandam. Est autem infima conditio et fortuna servorum, quibus, non male præcipiunt, qui ita jubent uti, ut mercenariis, operam exigendam, justa præbenda.

Cum autem duobus modis, id est, aut vi, aut fraude, fiat injuria; fraus quasi vulpeculæ, vis, leonis videtur: utrumque homine alienissimum,

met with a rare word, they sometimes substituted another of their own. Suetonius Cæsar, c. 72. had said *deversoriolo*, which has been altered to *deversorio*. In Cicero's Ep. lib. ix. Ep. x. a passage occurs which has puzzled commentators, "et ingentium cularum cum Sophia Septimiæ." This, J. M. Heusinger suggests, may have been originally written *jocatiuncularum*.

* *Et eum necaturum*. These three words are supposed to be a gloss transplanted from the margin.

† *Dedit*. On the authority of Lambinus and of Bishop Pearce, J. F. Heusinger gives *dedidit* for *dedit*; which is not found in any MS.—Relinquenda erat Pseudo-Ciceroni sua latinitas. (Gernhard.)

sed fraus odio digna majore. Totius autem injustitiæ nulla capitalior* est, quam eorum, qui, cum maxime fallunt, id agunt, ut viri boni esse videantur.† De justitia satis dictum est.

CAP. XIV. *Quid in liberalitate cavendum sit.*

DEINCEPS, ut erat propositum, de beneficentia ac liberalitate dicatur; qua quidem nihil est naturæ [hominis] accommodatius: sed habet multas cautiones. Videndum est enim primum, ne obsit benignitas, et iis ipsis, quibus benigne videbitur fieri, et ceteris: deinde, ne major benignitas sit, quam facultates: tum, ut pro dignitate‡ cuique tribuatur. Id enim est justitiæ fundamentum, ad quam hæc referenda sunt omnia. Nam et qui gratificantur cuipiam, quod obsit illi, cui prodesse [velle] videantur, non benefici, neque liberales, sed perniciosi assentatores judicandi sunt: et qui aliis nocent, ut in alios liberales sint, in eadem sunt injustitia,§ ut si in suam rem aliena‖ convertant.

* *Totius.——capitalior.* Mirus loquendi modus; pro *injustitiæ nullum genus est capitalius;* vel *nulla injustitiæ species est capitalior,* etc. An excidit *species?* an legendum *injustitiarum?* Scheller, 227.

† *Videantur.* Ἐσχάτη γὰρ ἀδικία δοκεῖν δίκαιον εἶναι, μὴ ὄντα. Plat. Rep. ii. 593.

CHAPTER XIV.

‡ *Pro dignitate.* Prout quisque dignus est: *according to the merit of each.*

§ *In eadem sunt injustitia. Act with equal injustice:* thus c. xii. in vitio esse.

‖ *Aliena.* Numerous MSS. give *alienam,* which Bish[op] Pearce and Ernesti prefer.

Sunt autem multi, et quidem cupidi splendoris et gloriæ, qui eripiunt aliis, quod aliis largiantur. Hique arbitrantur, se beneficos in suos amicos visum iri, si locupletent eos quacumque ratione. Id autem tantum abest officio, ut nihil magis officio possit esse contrarium. Videndum est igitur, ut ea liberalitate utamur, quæ prosit amicis, noceat nemini. Quare L. Sullæ et C. Cæsaris pecuniarum translatio a justis dominis ad alienos non debet liberalis videri. Nihil est enim liberale, quod non idem justum.

Alter erat locus cautionis, ne benignitas major esset, quam facultates. Quod, qui benigniores volunt esse, quam res patitur, primum in eo peccant, quod injuriosi sunt in proximos: quas enim copias his et suppeditari æquius est, et relinqui, eas transferunt ad alienos. Inest autem in tali liberalitate cupiditas plerumque rapiendi et auferendi per injuriam, ut ad largiendum suppetant* copiæ. Videre etiam licet, plerosque non tam natura liberales, quam quadam gloria ductos, ut benefici videantur, facere multa, quæ proficisci ab ostentatione magis, quam a voluntate videantur. Talis autem simulatio vanitati est conjunctior, quam aut liberalitati, aut honestati.

Tertium est propositum, ut in beneficentia delectus esset dignitatis: in quo et mores ejus erunt spectandi, in quem beneficium conferetur, et ani-

* *Suppetant.* This verb is employed by Cicero, only in the third person, singular or plural. Some MSS. read *suppeditent.* Lucretius (lib. i. 547.) employs the latter [illegible]h in the same sense:

" Materies ut suppeditet rebus reparandis."

mus erga nos, et communitas ac societas vitæ, et ad nostras utilitates officia ante collata. Quæ ut concurrant omnia, optabile est; si minus, plures caussæ majoresque ponderis plus habebunt.

CAP. XV. *Cui plurimum debeatur. Nullum officium referenda gratia magis necessarium. Quid et in collocando officio, et in referenda gratia, observandum sit.*

Quoniam autem vivitur non cum perfectis hominibus planeque sapientibus, sed cum iis, in quibus præclare agitur, si sunt simulacra virtutis: etiam hoc intelligendum puto, neminem omnino esse negligendum, in quo aliqua significatio virtutis appareat; colendum autem esse ita quemque maxime, ut quisque maxime virtutibus his lenioribus erit ornatus, modestia, temperantia, hac ipsa, de qua jam multa dicta sunt, justitia. Nam fortis animus et magnus, in homine non profecto nec sapiente, ferventior plerumque est; illæ virtutes virum bonum videntur potius attingere. Atque hæc in moribus.

De benevolentia autem, quam quisque habeat erga nos, primum illud est in officio, ut ei plurimum tribuamus, a quo plurimum diligimur. Sed benevolentiam non adolescentulorum more, ardore quodam amoris, sed stabilitate potius et constantia judicemus. Sin erunt merita, ut non ineunda, sed referenda sit gratia,* major quædam cura ad-

CHAPTER XV.

* *Sin—gratia.* But if obligntious exist: if we are not confer, but to return a favour.

hibenda est. Nullum enim officium referenda gratia magis necessarium est.

Quod si ea, quæ utenda acceperis, majore mensura, si modo possis, jubet reddere Hesiodus;* quidnam beneficio provocati facere debemus? An imitari† agros fertiles, qui multo plus efferunt,‡ quam acceperunt? Etenim si in eos, quos speramus nobis profuturos, non dubitamus officia conferre; quales in eos esse debemus, qui jam profuerunt? Nam cum duo genera liberalitatis sint, unum dandi beneficii, alterum reddendi; demus, nec ne, in nostra potestate est; non reddere, viro bono non licet, modo id facere possit sine injuria.§

* *Hesiodus.* 'Εργ. v. 346.

Ευ μὲν μετρεῖσθαι παρὰ γείτονος, εὖ δ' αποδοῦναι,
Αὐτῷ τῷ μέτρῳ, καὶ λώϊον, αἴκε δύνηαι,
Ὡς ἂν χρηΐζων καὶ ἐς ὕστερον ἄρκιον εὕρῃς.

† *An imitari.* All early editions, with the exception of that printed in Rome, give this interrogation negatively, *annon*, which reading Facciolati and Ernesti adopt. The Heusingers, finding the present text retained in all the MSS. which they have consulted, have given it the preference. It by no means seems against the analogy of the Latin tongue, or unusual, to give to a simple interrogation the sense of affirming. *Suntne* for *nonne sunt*, iii. 17.: *dubito an*, and *nescio an*, are to be understood in a similar mode.

‡ *Efferunt. Afferunt*, in some MSS.; *offerunt*, in one. Grævius adopted, and Facciolati approves, the present reading. Thus Brut. c. 4. "Modo idem noster animus efficere possit quod ager; qui cum multos annos quievit, uberiores efferre fruges solet." And in St. Paul's Epistle to the Hebrews, chap. vi. v. 8. Γῆ ἐκφέρουσα ἀκάνθας.

§ *Sine injuria: without violating the rights of others.* Facciolati interprets; ita reddat ut non videatur nolle ...bere, et quasi vendenti solvere.

Acceptorum autem beneficiorum sunt delectus habendi.* Nec dubium, quin maximo cuique plurimum debeatur. In quo tamen in primis, quo quisque animo, studio, benevolentia fecerit, ponderandum est. Multi enim faciunt multa temeritate quadam, sine judicio vel modo, in omnes, vel repentino quodam, quasi vento, impetu animi incitati: quæ beneficia æque magna non sunt habenda, atque ea, quæ judicio, considerate constanterque delata sunt. Sed in collocando beneficio, et in referenda gratia, si cetera paria sunt, hoc maxime officii est, ut quisque maxime opis indigeat, ita ei potissimum opitulari. Quod contra fit a plerisque. A quo enim plurimum sperant, etiamsi is non eget, tamen ei potissimum inserviunt.

CAP. XVI. *Quæ sint societatis humanæ principia. Quid primum societas præcipiat.*

Optime autem societas hominum conjunctioque servabitur, si, ut quisque erit conjunctissimus, ita in eum benignitatis plurimum conferetur. Sed quæ natura principia sint communitatis et societatis humanæ, repetendum videtur altius. Est enim primum, quod cernitur in universi generis humani societate, ejus autem vinculum est, ratio et oratio; quæ docendo, discendo, communicando, disceptando,† judicando conciliat inter se homines, con-

* *Delectus habendi: in considering the obligations received, we must make some discrimination.*

CHAPTER XVI.

† *Disceptando. By debating.*

jungitque naturali quadam societate. Neque ulla re longius absumus a natura ferarum, in quibus, inesse fortitudinem sæpe dicimus, ut in equis, in leonibus; justitiam, æquitatem, bonitatem non dicimus. Sunt enim rationis et orationis expertes.

Ac latissime quidem patens hominibus inter ipsos, omnibus inter omnes, societas hæc est; in qua omnium rerum, quas ad communem hominum usum natura genuit, est servanda communitas. Ut, quæ descripta sunt legibus et jure civili, hæc ita teneantur, ut sit constitutum; e quibus ipsis, cetera sic observentur,* ut in Græcorum proverbio† est, amicorum esse communia omnia. Omnia autem communia hominum videntur ea, quæ

* *Ut, quæ—observentur.* The construction of this sentence is obscure. The Heusingers have introduced a colon after *quibus ipsis*, as referring these words to *legibus*. But closing the sentence in this mode with a relative, cannot be justified on any grammatical construction. Bishop Pearce reads, *ut est constitutem civibus ipsis.* Heuman; *ut sit constitutum legibus ipsis.* Either of these amendments would render the passage more clear, if there were sufficient authority for it, but still a doubt would remain to what *cetera* refers. The meaning of the sentence appears to be—*By nature all things are common: those which have been appropriated by the municipal law must be governed by its rules; but even in our use of these, our friends should be admitted to participate.* Some MSS. have *serventur:* others omit the concluding *omnia.* Facciolati proposes the omission of *e quibus ipsis.* But it is to be feared that more than one error exists in the transcription.

† *Proverbio.* Preserved by Aristotle. lib. ii. Politic. c. 3. Δι' ἀρετὴν δ' ἔσται πρὸς τὸ χρῆσθαι, κατὰ τὴν παροιμίαν κοινὰ τὰ τῶν φίλων

sunt generis ejus, quod ab Ennio positum in una re,* transferri in multas potest.

Homo, qui erranti comiter monstrat viam,
Quasi de suo lumine lumen accendat, facit.
Nihilo minus ipsi lucet, cum illi accenderit.

Una ex re satis præcipit, ut, quidquid, sine detrimento possit commodari, id tribuatur vel ignoto. Ex quo sunt illa communia, non prohibere aqua profluente;† pati ab igne ignem capere, si qui velit; consilium fidele deliberanti dare: quæ sunt iis utilia, qui accipiunt; danti non molesta. Quare et his utendum est, et semper aliquid ad communem utilitatem adferendum. Sed quoniam copiæ parvæ singulorum sunt;‡ eorum autem, qui his egeant, infinita est multitudo; vulgaris liberalitas referenda§ est ad illum Ennii finem,

Nihilo minus ipsi lucet;

ut facultas sit, qua in nostros|| simus liberales.

* *Una re.* *By one example.*

† *Aqua profluente.* Many early editions have *aquam profluentem.* This reading is found in several MSS. and adopted by Bishop Pearce.

‡ *Copiæ parvæ singulorum sunt: the means of individuals are limited.*

§ *Vulgaris liberalitas referenda. The measure of our liberality should be bounded by the rule of Ennius.* In the preceding passage as well as the present, several MSS. have *luceat.*

|| *In nostros.* To those immediately connected with us.

CAP. XVII. *Societatis gradus varios, et officia ex hac societate promanantia describere persequitur.*

Gradus autem plures sunt societatis hominum. Ut enim ab infinita illa discedatur, propior est ejusdem gentis, nationis,* linguæ, qua maxime homines conjunguntur. Interius etiam est, ejusdem esse civitatis. Multa enim sunt civibus inter se communia; forum, fana, porticus, viæ, leges, jura, judicia, suffragia, consuetudines præterea et familiaritates, multisque cum multis res rationesque contractæ.† Arctior vero colligatio est societatis propinquorum. Ab illa enim im-

CHAPTER XVII.

* *Gentis, nationis.* Men of the same race or stock, though not connected by any political ties, are *ejusdem gentis*. *Natio* expresses a particular people. Dumesnil, Synonym. 871. The distinction is made evident by Tacitus, Germ. c. 2. "Qui primum Rhenim transgressi, Gallos expulerint, ac nunc Tungri, tunc Germani vocati sunt; ita nationis nomen, non gentis, evaluisse paullatim, ut omnes Germani vocarentur."

† *Res rationesque contractæ.* A Scholiast on one of the MSS. used by the Heusingers thus distinguishes: *Contractus quandoque fit rei, quandoque rationis. Rei cum fit venditio. Rationis, cum hoc modo, ut si hoc feceris, dabo tibi centum solidos. Contractus est ultro citroque obligationem pariens.* On other occasions Cicero is found to join these terms used in a legal sense. Pro Quinct. c. 5. "Nisi prius de rebus rationibusque societatis omnibus decidisset." Pro Cluent. c. 14. "Cum illo nemo jam rationem, nemo rem ullam contrahebat."

mensa societate humani generis in exiguum angustumque concluditur.

Nam cum sit hoc natura commune animantium, ut habeant lubidinem procreandi, prima societas in ipso conjugio est: proxima in liberis: deinde una domus, communia omnia. [Id autem est principium urbis, et quasi seminarium rei publicæ.] Sequuntur fratrum conjunctiones, post consobrinorum* sobrinorumque: qui cum una domo jam capi non possint, in alias domos, tamquam in colonias exeunt. Sequuntur connubia et affinitates: ex quibus etiam plures propinqui. [Quæ propagatio, et suboles, origo est rerum publicarum †] Sanguinis autem conjunctio, benevolentia devincit homines et caritate. Magnum est enim eadem habere monumenta majorum, eisdem uti sacris, sepulcra habere communia.

Sed omnium societatum nulla præstantior est, nulla firmior, quam cum viri boni, moribus similes, sunt familiaritate conjuncti. Illud enim honestum (quod sæpe dicimus) etiam si in alio cerni-

* *Consobrinorum.* The term *consobrini* was probably first applied to children of sisters; quasi *consororini*. *Sobrini* are the children of *consobrini*. In this passage, and elsewhere, the term *consobrini* is taken in an extended sense, comprehending the children of brothers *(patrueles)* as well as of sisters; all first cousins: *sobrini*, the grand children of each, second cousins. Pro Ligar. c. 4. T. Brocchus is called *consobrinus* to Ligarius, the fathers of each being brothers.

† *Publicarum.* These two sentences within brackets, Facciolati had pronounced to be spurious. Gernhard concurs. The train of reasoning is unnecessarily interrupted by them.

mus, tamen nos movet, atque illi, in quo id inesse videtur, amicos facit.

Et quamquam omnis virtus nos ad se allicit facitque, ut eos diligamus, in quibus ipsa inesse videatur: tamen justitia, et liberalitas id maxime efficit. Nihil autem est amabilius, nec copulatius,* quam morum similitudo bonorum. In quibus enim eadem studia sunt, eædem voluntates, in his fit, ut æque quisque altero delectetur, ac se ipso: efficiturque id, quod Pythagoras† vult in amicitia, ut unus fiat ex pluribus. Magna etiam illa communitas est, quæ conficitur ex beneficiis ultro citro datis acceptisque, quæ et mutua, et grata dum sunt, inter quos ea sunt, firma devinciuntur‡ societate.

Sed cum omnia ratione animoque lustraris, omnium societatum nulla est gravior, nulla carior, quam ea, quæ cum re publica est unicuique nos-

* *Copulatius.* Passive participles are sometimes employed in the sense of the adjectives in *bilis:* as "Quæ enim vox potest esse contemptior quam Milonis Crotoniatæ." Cato Major, 9. *Accessus, conspectus, infectus, invictus,* &c. are found used in a similar sense. In Greek the same interpretation is occasionally put on the passive perf. part.: Heyne's Homer, xiv. 196. 6th vol. 565. For *copulatius,* Bishop Pearce approves *copulantius,* found in some MSS.

† *Pythagoras.* Conf. De Legg. i. 12. The same philosopher replied to the inquiry, 'What was a friend? Αλλος ἐγώ. The verb *velle* is frequently employed in defining, c. 27. *Definiunt ut id decorum velint.* Tusc. Q. 4. "Opinationem—volunt esse imbecillam assensionem."

‡ *Devinciuntur.* Subintell. *illi—those persons are united by a firm band.*

trum. Cari sunt parentes, cari liberi, propinqui, familiares: sed omnes omnium caritates patria una complexa est: pro qua quis bonus dubitet mortem oppetere, si ei sit profuturus? Quo est detestabilior istorum immanitas, qui lacerarunt omni scelere patriam, et in ea funditus delenda occupati et sunt et fuerunt.*

Sed si contentio quædam et comparatio fiat, quibus plurimum tribuendum sit officii, principes sint patria et parentes, quorum beneficiis maximis† obligati sumus: proximi, liberi, totaque domus, quæ spectat in nos solos, neque aliud ullum potest habere perfugium: deinceps bene convenientes propinqui, quibuscum communis etiam fortuna plerumque est. Quam ob rem necessaria præsidia vitæ debentur iis maxime, quos ante dixi: vita autem victusque communis, consilia, sermones, cohortationes, consolationes, interdum etiam objurgationes in amicitiis vigent maxime: estque ea jucundissima amicitia, quam similitudo morum conjugavit.‡

* *Sunt et fuerunt.* Alluding evidently to C. J. Cæsar, and to M. Antony.

† *Maximis.* This reading seems justly preferred by Ernesti, and most editors, to *maxime*, which J. F. Heusinger adopts. Magno beneficio ejus, magnoque merito sum obligatus. Epist. in Fam. xi. 16.

‡ *Estque—conjugavit.* This sentence is superfluous, as it is but a repetition of the preceding; "Nihil autem—bonorum." And the question is not here as to the degree in which friendships are agreeable, but as to the duties which friendship imposes. Facciolati and other editors reckon this, therefore, among the interpolations.

CAP. XVIII. *Quædam officia aliis magis quam aliis debentur. Exercitatio capienda est, ut boni ratiocinatores officiorum esse possimus.*

Sed in his omnibus officiis tribuendis videndum erit, quid cuique maxime necesse sit, et quid quisque vel sine nobis aut possit consequi, aut non possit. Ita non iidem erunt necessitudinum gradus, qui temporum;* suntque officia, quæ aliis magis, quam aliis debeantur: ut, vicinum citius adjuveris in fructibus percipiundis, quam aut fratrem, aut familiarem: [at,] si lis in judicio sit, propinquum potius et amicum, quam vicinum defenderis. Hæc igitur et talia circumspicienda sunt in omni officio, et consuetudo exercitatioque capienda, ut boni ratiocinatores† officiorum esse possimus, et addendo deducendoque videre, quæ reliqui summa fiat: ex quo, quantum cuique debeatur, intelligas.

Sed ut nec medici, nec imperatores, nec oratores, quamvis artis præcepta preceperint, quidquam magna laude dignum sine usu et exercitatione consequi possunt: sic officii conservandi præcepta tradun-

CHAPTER XVIII.

* *Temporum.* Under peculiar circumstances, the duties which friends and relations owe to each other may give way to other ties. For instance: the preference which a near neighbour is entitled to claim during harvest.

† *Ratiocinatores.* Arithmeticians: *quæ reliqui summa:* id est, quantum relinquatur, deductis et additis quæ oportuit. Erasm.

tur illa quidem, ut facimus ipsi; sed rei magnitudo usum quoque exercitationemque desiderat. Atque ab iis rebus, quæ sunt in jure societatis humanæ, quem ad modum ducatur honestum, ex quo aptum* est officium, satis fere diximus.

Intelligendum est autem, cum proposita sint genera quatuor, ex quibus honestas officiumque manaret, splendidissimum videri, quod animo magno elatoque,† humanasque res despiciente factum sit. Itaque in probris maxime in promtu est, si quid tale dici potest:

Vos etenim juvenes, animum geritis muliebrem,
Illa virago viri.‡

Et si quid ejusmodi:

Salmaci, da§ spolia, sine sudore et sanguine.

* *Aptum.* This is a participle derived from a verb no longer in use; perhaps, *apiscor.* Cicero has used it in the sense; composed of, prepared from, or with. Atque ex his tribus generibus honestorum notatis, quartum sequitur, aptum ex illis tribus. Fin. ii. 14. Totus aptus ex sese. Paradox. ii. Causæ aliæ ex aliis aptæ. Tusc. v. 25. See i. 28. *apta compositione membrorum.* iii. 29. *apta pinnis.* For *aptum*, some early editions have here, *ortum*, which Facciolati prefers: others, as well as some MSS., *actum.*

† *Elatoque.* In one MS., this word is found transposed, but is not omitted in any.—It does not apear in Heusinger's text.

‡ *Virago viri.* These are verses, probably, of Ennius; but whether applied to Clelia, (Val. Max. iii. 2.) or to whom, is altogether uncertain.

§ *Salmaci, da.* That Ennius composed these verses, Festus attests. In many MSS. the two words are joined, and *s* added—*Salmacidas;* a few, and the Venetian edition of 1493, give *Salmaci, das.* A fountain in Caria, ne-

Contraque in laudibus, quæ magno animo, [et elato*] fortiter excellenterque gesta sunt, ea nescio quo modo quasi pleniore ore laudamus. Hinc rhetorum campus de Marathone, Salamine, Platæis, Thermopylis, Leuctris: hinc noster Cocles, hinc Decii, hinc Cnæus et Publius Scipiones, hinc M. Marcellus, innumerabiles alii: maximeque ipse populus Romanus animi magnitudine excellit. Declaratur autem studium bellicæ gloriæ, quod statuas quoque videmus ornatu fere militari.

CAP. XIX. *Tertiam virtutem, quæ erat fortitudo, proponit Cicero: quas virtutes debeat habere comites: quibus vitiis infici soleat.*

Sed ea animi elatio, quæ cernitur in periculis et laboribus, si justitia vacat pugnatque non pro salute communi, sed pro suis commodis, in vitio est. Non enim modo id virtutis non est, sed est potius immanitatis, omnem humanitatem repellentis. Itaque probe definitur a Stoïcis fortitudo,

Halicarnassus, and a nymph who habitually bathed in it, bore the name of *Salmacis.* Metamorphos. iv. 285. The use of its waters was represented by the poets as making men effeminate: hence the apellation was probably bestowed proverbially on men of suspected courage, who might be supposed ready to surrender their spoils, *ἀνιδρωτὶ καὶ ἀναιμωτὶ*, to a braver antagonist.

* *Elato.* This word, which the Heusingers excluded in a preceding paragraph, is, in their edition, here inserted on the faith of ancient editors.

cum eam virtutem esse dicunt propugnantem pro* æquitate. Quocirca nemo, qui fortitudinis gloriam consecutus est, insidiis et malitia, laudem est adeptus. Nihil honestum esse potest, quod justitia vacat.

Præclarum igitur illud Platonis.† Non solum, inquit, scientia, quæ est remota ab justitia, calliditas potius, quam sapientia est appellanda: verum etiam animus‡ paratus ad periculum, si sua cupiditate, non utilitate communi impellitur, audaciæ potius nomen habeat, quam fortitudinis. Itaque viros fortes et magnanimos, eosdem bonos et simplices, veritatis amicos minimeque fallaces esse volumus: quæ sunt ex media laude§ justitiæ.

CHAPTER XIX.

* *Propugnantem pro.* The precise passage in their writings in which this definition appears, has not yet been discovered. *Pugnantem* is found in early editions, and in some MSS. Another instance of the compounded verb with the preposition repeated, occurs lib. xi. ep. 6. "Cum equestris ordinis princeps esset, proque mea salute acerrime propugnaret."

† *Illud Platonis.* In Epitaph. πᾶσά τε ἐπιστήμη χωριζομένη δικαιοσύνης καὶ τῆς ἄλλης ἀρετῆς, πανουργία, οὐ σοφία, φαίνεται.

‡ *Animus.* In the writings of Plato now extant, no passage has been discovered of this exact import: One occurs, approaching it in sense. In Lachete—

'Εγὼ δὲ ἀνδρίας μὲν καὶ προμηθείας πάνυ τισὶν ὀλίγοις οἶμαι μετεῖναι. θρασύτητος δε καὶ τόλμης καὶ τοῦ ἀφόβου μετὰ ἀπρομηθείας πάνυ πολλοῖς καὶ ἀνδρῶν, καὶ γυναικῶν, καὶ παίδων, καὶ θηρίων. Ταῦτα οὖν ἃ σὺ καλεῖς ανδρεῖα, καὶ οἱ πολλοὶ, ἐγὼ θρασέα καλῶ.

§ ***Ex media laude.—Which are points in a man's charac-***

Sed illud odiosum est, quod in hac elatione et magnitudine animi facillime pertinacia et nimia cupiditas principatus innascitur. Ut enim apud Platonem est, omnem morem Lacedæmoniorum* inflammatum esse cupiditate vincendi: sic ut quisque animi magnitudine maxime excellet, ita maxime vult princeps omnium, vel potius solus esse. Difficile autem est, cum præstare omnibus concupieris, servare æquitatem, quæ est justitiæ maxime propria. Ex quo fit, ut neque disceptatione vinci se, nec ullo publico ac legitimo jure patiantur:† exsistuntque in re publica plerumque

ter, bearing an intimate relation to justice. Facciolati interprets, *ex ipso justitiæ fundo.* A scholiast, on one of the MSS. used by *Heusinger*, *ex intima laude justitiæ.* A similar expression occurs, in Bruto, c. 97. "Adolescentiam per medias làudes, quasi quadrigis vehentem." And lib ix. ad Divers. ep. 8. "Nosti profecto os ejus adolescentioris Academiæ: ex ea igitur media, excitatos misi."

* *Morem Lacedæmoniorum.* The national spirit of the Lacedemonians: the passion for victory was rooted in their breasts: all their habits tended to inflame it. The passage of Plato occurs in Lachete, near the beginning. 'Oτι οιμαι ἐγὼ τοῦτο, εἴ τι ἦν, οὐκ ἂν λεληθέναι Λακεδαιμονίους, οἷς οὐδὲν ἄλλο μέλει ἐν τῷ βίῳ ἢ τοῦτο ζητεῖν καὶ ἐπιτηδεύειν ὅτι ἂν μαθόντες, καὶ ἐπιτηδεύσαντις, πλεονεκτοῖεν τῶν ἄλλων περὶ τὸν πόλεμον. A short passage has also been cited by Gronovius, as likely to have been referred to by Cicero—

Tὸν φίλόνεικον καὶ φιλότιμον, κατὰ τὴν Λακωνικὴν ἐσιτῶτα πολιτείαν.

But the former was more probably in Cicero's recollection.

† *Patiantur.* Facciolati here remarks the change of number to the plural, which he says is not unusual with Cicero, when turning the discourse to men in general.

largitores et factiosi, ut opes quam maximas consequantur, et sint vi potius superiores, quam justitia pares. Sed quo difficilius, hoc præclarius. Nullum est enim tempus, quod justitia vacare debeat.

Fortes igitur et magnanimi sunt habendi, non qui faciunt, sed qui propulsant injuriam. Vera autem et sapiens animi magnitudo, honestum illud, quod maxime natura sequitur, in factis positum, non in gloria judicat: principemque se esse mavult, quam videri. Etenim qui ex errore imperitæ multitudinis pendet, hic in magnis viris non est habendus. Facillime autem ad res injustas impellitur, ut quisque altissimo animo est, gloriæ cupiditate. Qui locus est sane lubricus, quod vix invenitur, qui, laboribus susceptis periculisque aditis, non quasi mercedem rerum gestarum desideret gloriam.

CAP. XX. *Nunquam esse causam peccandi.*

Omnino fortis animus et magnus duabus rebus maxime cernitur: quarum una in rerum externarum despicientia* ponitur, cum persuasum sit, nihil hominem, nisi quod honestum decorumque sit, aut admirari, aut optare, aut expetere oportere: nullique neque† homini, neque perturbationi

CHAPTER XX.

* *Despicientia.* This must not be interpreted as recommending perfect apathy; but rather the disregard of that which lies wholly within the power of others, or of fortune.

† *Nullique neque.* The use of two negatives, in a nega-

animi, nec fortunæ succumbere. Altera est res, ut, cum ita sis affectus animo, ut supra dixi, res geras magnas illas quidem et maxime utiles, sed ut vehementer arduas plenasque laborum, et periculorum tum vitæ, tum multarum rerum, quæ ad vitam pertinent.

Harum rerum quarum splendor omnis et amplitudo, addo etiam utilitatem, in posteriore est: caussa autem et ratio efficiens magnos viros est, in priore. In eo est enim illud, quod excellentes animos et humana contemnentes facit. Id autem ipsum cernitur in duobus, si et solum id, quod honestum sit, bonum judices, et ab omni animi perturbatione liber sis. Nam et ea, quæ eximia plerisque et præclara videntur, parva ducere, eaque ratione stabili firmaque contemnere, fortis animi magnique ducendum est: et ea, quæ videntur acerba, quæ multa et varia in hominum vita fortunaque versantur, ita ferre, ut nihil a statu naturæ discedas, nihil a dignitate sapientis, robusti animi est magnæque constantiæ.

Non est autem consentaneum, qui metu non frangatur, eum frangi cupiditate: nec, qui invictum se a labore præstiterit, vinci a voluptate. Quam ob rem et hæc videnda,* et pecuniæ fugi-

tive sense, is not frequent in Latin authors. In this and another instance, c. 26. *nullus* and *neque*, in conjunction, are however to be interpreted negatively. They are also thus employed by Virgil;

"Nulla neque amnem—Libavit quadrupes." Ecl. v. 25.
and by Propertius (ii. 19.)

"Nulla neque ante tuas orietur rixa fenestras."

* *Videnda.* For *cavenda:* as, *videndum—ne obsit be-*

enda cupiditas. Nihil enim est tam angusti animi tamque parvi, quam amare divitias: nihil honestius magnificentiusque, quam pecuniam contemnere, si non habeas; si habeas, ad beneficentiam liberalitatemque conferre. Cavenda est etiam gloriæ cupiditas, ut supra dixi. Eripit enim libertatem, pro qua magnanimis viris omnis debet esse contentio. Nec vero imperia expetenda, ac potius aut non accipienda interdum, aut deponenda non numquam.

Vacandum autem omni est animi perturbatione, tum cupiditate et metu, tum etiam ægritudine et voluptate [animi,] et iracundia; ut tranquillitas animi* et securitas adsit, quæ affert cum constantiam, tum etiam dignitatem. Multi autem et sunt, et fuerunt, qui eam, quam dico tranquillitatem expetentes, a negotiis publicis se removerunt, ad otiumque perfugerunt. In his et nobilissimi philosophi† longeque principes, et quidam homines severi et graves, qui nec populi, nec principum,‡ mores ferre potuerunt: vixeruntque non nulli in agris, delectati re sua familiari. His idem propositum fuit, quod regibus, ut ne qua re egerent, ne

nignitas. c. 14. In many MSS. is found *vitanda;* which reading, Toup, in his Remarks on Bishop Pearce; Heumann; and Facciolati, approve. Several MSS. also, add *sunt*.

* *Animi*. Thrice in the same sentence, this word recurs. In some MSS. the second, in others, the third *animi* is omitted: but Quintil. (lib. viii. c. 3.) has noticed that such repetitions are not infrequent in Cicero's writings.

† *Nobilissimi philosophi*. Of whom were Socrates, Plato, Aristotle, Zeno, and Epicurus.

‡ *Principum: of leading individuals.*

cui parerent, libertate uterentur: cujus proprium est, sic vivere, ut velis.

CAP. XXI. *Honores ab otiosis negligi; quibus capessenda sit respublica: quid ab iis desideretur; quæ vitia fugere debeant.*

Quare, cum hoc commune sit potentiæ cupidorum cum iis, quos dixi, otiosis:* alteri se adipisci id posse arbitrantur, si opes magnas habeant: alteri, si contenti sint et suo, et parvo. In quo neutrorum omnino contemnenda sententia est: sed et facilior, et tutior, et minus aliis gravis aut molesta vita est otiosorum: fructuosior autem hominum generi, et ad claritatem amplitudinemque aptior eorum, qui se ad rem publicam et ad magnas res gerendas accommodaverunt.

Quapropter et iis forsitan concedendum sit† rem publicam non capessentibus, qui excellenti ingenio doctrinæ sese dediderunt: et iis, qui aut valetudinis imbecillitate, aut aliqua graviore caussa impediti, a re publica recesserunt, cum ejus administrandæ potestatem aliis laudemque concederent. Quibus autem talis nulla sit caussa, si despicere se dicant ea, quæ plerique mirentur, imperia et

CHAPTER XXI.

* *Otiosis: who live in privacy, meddling not with public affairs.*

† *Cuncedendum sit.* The idiom of our own tongue agrees with this expression; *allowances are to be made for those persons of genius, who, giving themselves up to study, decline engaging in public business.*

magistratus; iis non modo non laudi, verum etiam vitio dandum puto. Quorum judicium in eo, quod gloriam contemnant, et pro nihilo putent, difficile factu est non probare: sed videntur labores et molestias, tum offensionum* et repulsarum quasi quamdam ignominiam timere et infamiam. Sunt enim, qui in rebus contrariis parum sibi constent: voluptatem severissime contemnant, in dolore sint molliores: gloriam negligant, frangantur infamia: atque ea quidem non satis constanter.

Sed iis, qui habent a natura adjumenta rerum gerendarum, abjecta omni cunctatione, adipiscendi magistratus, et gerenda res publica est. Nec enim aliter aut regi civitas, aut declarari animi magnitudo potest. Capessentibus autem rem publicam nihilo minus, quam philosophis, haud scio an magis etiam, et magnificentia, et despicientia adhibenda sit rerum humanarum, quam sæpe dico, et tranquillitas animi atque securitas: si quidem nec anxii futuri sunt, et cum gravitate, constan-

* *Offensionum.* Commentators differ in the interpretation to be given this word. In the ordinary and most obvious sense of *offences*, *quarrels*, no ignominy, at least, can attach on these. The verb *offendere* is, however, sometimes employed by Cicero in the sense of the Greek προσκροῦσαι, a metaphor taken from impediments to traveling on a rugged road; in the sense of failure, disappointment in obtaining the object sought. This is probably its present meaning. Pro Cluent. c. 25, Cicero employs *offensionem;* and Pro Planc. "*offensiunculam,*" for *repulse.* Pro Lege Manil. c. 9. "Hic in ipso illo malo gravissimaque belli *offensione,*" for *defeat.* Some MSS. repeat *tum* before *repulsarum*, but unnecessarily; instances occur of *tum*, without *cum* preceding, or *tum* following; Ad. Divers. lib. v. ep. 13. lib. xiii. ep. 43. and elsewhere.

tiaque victuri. Quæ faciliora sunt philosophis, quo minus multa patent in eorum vita, quæ fortuna feriat, et quo minus multis rebus egent: et quia, si quid adversi eveniat, tam graviter cadere non possunt. Quocirca non sine caussa majores motus animorum concitantur, majoraque efficienda* rem publicam gerentibus, quam quietis; quo magis his et magnitudo est animi adhibenda, et vacuitas ab angoribus.

Ad rem gerendam autem qui accedit, caveat, ne id modo consideret, quam illa res honesta sit: sed etiam, ut habeat efficiendi facultatem. In quo ipso considerandum est, ne aut temere desperet, propter ignaviam: aut nimis confidat, propter cupiditatem. In omnibus autem negotiis, prius quam adgrediare, adhibenda est præparatio diligens.

CAP. XXII. *In rebus arduis, vel pacis vel belli, conspici animi magnitudinem. Domesticas fortitudines non inferiores esse militaribus.*

Sed cum plerique arbitrentur, res bellicas majores esse, quam urbanas, minuenda† est hæc opinio. Multi enim bella sæpe quæsierunt propter gloriæ cupiditatem. Atque id in magnis animis

* *Efficienda.* Majorque cura efficiendi, is the reading found in several MSS.; not disapproved by J. M. Heusinger, and admitted into the text by Gernhard.

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† *Minuenda.* Not *directly contradicted;* but *to be received cautiously.*

ingeniisque plerumque contingit: eoque magis, si sunt ad rem militarem apti et cupidi bellorum gerendorum. Vere autem si volumus judicare, multæ res exstiterunt urbanæ majores clarioresque, quam bellicæ.

Quamvis enim Themistocles jure laudetur, et sit ejus nomen, quam Solonis, illustrius; citeturque Salamis clarissimæ testis victoriæ, quæ anteponatur consilio Solonis ei, quo primum constituit Areopagitas:* non minus præclarum hoc, quam illud judicandum est. Illud enim semel profuit, hoc semper proderit civitati. Hoc consilio leges Atheniensium, hoc majorum instituta servantur.† Et Themistocles quidem nihil dixerit, in quo ipse Areopagum adjuverit: at ille vere, ab se adjutum‡

* *Constituit Areopagitas.* That the court of Areopagus was first instituted by Solon, is here asserted, as well as in the life of Solon, by Plutarch; yet it appears more probable, that new functions and more extensive powers were conferred by that legislator on an ancient tribunal, which had indeed existed from the time of the foundation of the city.

† *Servantur.* In Cicero's age, the laws of Solon still governed Athens. Pro Rosc. c. 25. "Ejus porro civitatis sapientissimum Solonem dicunt fuisse eum, qui leges, quibus hodie quoque utuntur, scripserit."

‡ *Vere, ab se adjutum.* Much variety in the MSS. appears in this passage: "ille se vere adjuvit, et Them.: ille se vere adjuvisse; ille se adjutum:" and simply, "at ille adjuvit."—If the reading in the text is correct, *dixerit*, or some such verb, is to be understood. Gernhard conjectures that the true reading is; "*at ille* reapse *adjuvit Them.*" *Reapse*, he remarks, is used, Legg. viii. 18. Fin. v. 10. 27. Divin. i. 37. 81.; as it is a word of infrequent occurrence, *vere* was first placed in the margin as a synonym, and afterwards removed into the text. However in-

Themistoclem. Est enim bellum gestum consilio senatus ejus, qui a Solone erat constitutus.

Licet eadem de Pausania Lysandroque dicere, quorum rebus gestis quamquam imperium Lacedæmonis putatur,* tamen ne minima quidem ex parte Lycurgi legibus et disciplinæ conferendi sunt. Quin etiam ob has ipsas caussas et parentiores habuerunt exercitus, et fortiores. Mihi quidem neque, pueris nobis, M. Scaurus† C. Mario, neque, cum versaremur in re publica, Q. Catulus‡ Cn. Pompeio cedere videbatur. Parvi enim sunt foris arma, nisi est consilium domi. Nec

genious the conjecture, he was hardly justified in altering the text, as he has done, in conformity to it.

* *Lacedæmonis putatur.* Between these words different participles are introduced in different MSS. and editions; *dilatatum*, *dilatum*, *delatum*, *datum*, *partum*. In some, the position of this participle varies; in others, (whom J. F. Heusinger follows) it is wholly omitted. The verb *putare* is employed in the sense of *æstimare;* as in Verr. iv. 7. "Si denariis quadringentis Cupidinem illum putasset." Tacit. Hist. 3. 2: "Si numerus militum potius quam legionum putetur." The *Imperium*, to which Cicero alludes, is not to be understood as to the geographical extent of the country over which Sparta once ruled, but as to the predominance of that state in Greece; which is to be esteemed or valued by the exploits of Pausanias and Lysander. This passage has become obscure, possibly, by the loss of a single syllable, *imputatur* for *putatur*.

† *M. Scaurus.* During his consulate, A. U. C. 638. M. Æmilius Scaurus was saluted *Princeps Senatus.* Vide Sallust, Jug. xv. xxv. xxix. Aurel. Victor de Vir. illustr. c. 72.

‡ *Q. Catulus.* Q. Lutatius Catulus, Consul A. U. C. 675. He appears to have been a personal friend of Cicero, having bestowed on him in the senate the appellation of *Pater patriæ.* Pro lege Manil. c. xx.

plus Africanus, singularis et vir, et imperator, in exscindenda Numantia, rei publicæ profuit, quam eodem tempore P. Nasica privatus,* cum Ti. Gracchum interemit. Quamquam hæc quidem res non solum ex domestica est ratione: (attingit enim bellicam, quoniam vi manuque confecta est) sed tamen id ipsum est gestum consilio urbano, sine exercitu. Illud autem optimum est, in quod invadi solere ab improbis et invidis audio:

Cedant arma togæ, concedat laurea laudi.†

Ut enim alios omittam, nobis rem publicam gubernantibus, nonne togæ arma cessere? neque enim periculum in republica fuit gravius‡ unquam,

* *Nasica privatus.* Consul A. U. C. 615. At the time Tib. Gracchus was put to death by Scipio Nasica, (the act from which Cicero was disposed to attribute so much advantage to the state) Nasica held no public office.

† *Laurea laudi.* Instead of *laudi*, many MSS., and all early editions, read *linguæ.* The author of the invective against Cæsar, attributed to Sallust, Quintilian, lib. xi. c. 1., and Plut. in the Life of Cicero, adhere to the same reading; but the present appears supported by the authority of Cicero himself. In his oration in Pison. c. xxx. occurs this passage: "Cum tu timidus ac tremens tuis ipse furacissimis manibus detractam e cruentis fascibus lauream ad portam Esquilinam abjecisti, indicasti non modo amplissimæ sed etiam minimæ laudi lauream concessisse." Again, lib. xv. ep. 6. 3. "Quem ego currum, aut quam lauream, cum tua laudatione conferrem?" In truth, the merit which he claimed on this occasion was not confined to his tongue—other weapons were employed.

‡ *Gravius.* The secret favourers of these conspirators, among whom was reckoned Cicero's own colleague in the consulate, C. Antonius, certainly increased the danger. But was it really dispelled?—Did not many of the actors in it, for instance Crassus, and Cæsar, again conspire?—And what was the event?

nec majus otium.* Ita consiliis diligentiaque nostra celeriter de manibus audacissimorum civium delapsa arma ipsa† ceciderunt. Quæ res igitur gesta umqam in bello tanta? qui triumphus conferendus?

Licet enim mihi, Marce fili, apud te gloriari,‡

* *Otium. Odium*, which seems the most probable reading, is found in many MSS. though not preferred by the Heusingers.

† *Ipsa.* In many MSS. this pronoun does not appear; in one, *ipa:* this favors a previous happy conjecture of the younger Gronovius, that this word should be *impia.* Thus: *a republica, armis impiis, vique prohibiti, otium persequimur.* L. iii. 1.

‡ *Apud te gloriari.* The present, and every opportunity, is taken by Cicero, of paying to his own conduct during his consulate, most extravagant compliments, apparently very little merited. When a magistrate takes on himself to execute his fellow-citizens, unheard and without trial, he needs some better justification than self-gratulation, or the applauses of those of his own party. It is difficult to assign any justification for putting to death the inferior agents in a conspiracy, at a moment when they were peculiarly under the protection of the laws, and when nothing could be feared from them personally; whilst a formidable party at the same moment was suffered to collect in arms, to enlist men, it would seem, without opposition; and their leader, even encouraged to join them. After the rebellion was quelled, no pains seem to have been taken by the senate, either to remove the causes of the public discontents, or to reform their constitution, ill adapted, or rather totally unfit, for the circumstances in which multiplied conquests had placed them. Another rebellion, still more formidable, speedily arose, in which their republic, as might have been expected, was completely overwhelmed. Had the party prevailed, of which Pompey was the leader, the event would not have been different.

ad quem et hereditas hujus gloriæ,* et factorum imitatio pertinet. Mihi quidem certe vir abundans bellicis laudibus Cn. Pompeius, multis audientibus, hoc tribuit, ut diceret, frustra se triumphum tertium† deportaturum fuisse, nisi meo in rem publicam beneficio, ubi triumpharet, esset habiturus. Sunt igitur domesticæ fortitudines non inferiores militaribus: in quibus plus etiam, quam in his, operæ studiique ponendum est.

CAP. XXIII. *Fortitudinis bellicæ officia: exercendum corpus ut consilio rationique obediat.*

Omnino illud honestum, quod ex animo excelso magnificoque quærimus, animi efficitur, non corporis viribus. Exercendum tamen corpus et ita afficiendum est, ut obedire consilio rationique possit in exsequendis negotiis, et in labore tolerando. Honestum autem id, quod exquirimus, totum est positum in animi cura et cogitatione: in quo non minorem utilitatem afferunt, qui togati rei publicæ præsunt, quam qui bellum gerunt. Itaque eorum consilio sæpe aut non suscepta, aut confecta bella sunt, non numquam etiam illata:

* *Hereditas hujus gloriæ.* "Filio meo, quem tibi charum esse gaudeo, si erit ulla Resp., satis amplum patrimonium relinquam, in memoriam nominis mei." Ep. 2. Ad Cælium.

† *Tertium.* Over Mithridates and Tigranes, and over the pirates. Flor. iii. 5.

Mut. Catonis,* bellum tertium Punicum; in quo etiam mortui valuit auctoritas.

Quare expetenda quidem magis est decernendi ratio, quam decertandi fortitudo: sed cavendum, ne id bellandi magis fuga, quam utilitatis ratione faciamus. Bellum autem ita suscipiatur, ut nihil aliud, nisi pax quæsita videatur. Fortis vero et constantis est, non perturbari in rebus asperis, nec tumultuantem de gradu dejici,† ut dicitur; sed præsenti animo uti et consilio, nec a ratione discedere.

Quamquam hoc animi, illud‡ etiam ingenii magni est, præcipere cogitatione futura, et aliquanto ante constituere, quid accidere possit in utramque partem, et quid agendum sit, cum quid evenerit; nec committere, ut aliquando dicendum sit, non putaram.§ Hæc sunt opera magni animi

CHAPTER XXIII.

* *Catonis.* Subintell. *consilio.* Alluding to his conviction of the policy of destroying Carthage, which was so often pronounced, and as often opposed by Scipio Nasica. Vide Plut. in Vita. Vell. Paterc. lib. i. c. 13. The third Punic war was not terminated, by the destruction of Carthage, till about three years after the death of Cato.

† *De gradu dejici.* A metaphor taken from the gladiatorial combats. *Stare in gradu*, to stand firmly in his position; *de gradu dejici, depelli, moveri;* to lose ground.

‡ *Hoc—illud. Hoc* refers to the verbs, *non perturbari nec dejici: illud*, to *præcipere*, and the verbs following.

§ *Non putaram.* Seneca (de Ira, ii. 31.) attributes to Fabius Maximus, the remark that this expression is peculiarly unbecoming a general. Valerius Max. (lib. vii. 2.) attributes it to Scipio Africanus. One instance of the superior terseness of the Latin, compared with some

et excelsi, et prudentia consilioque fidentis. Temere autem in acie versari, et manu cum hoste confligere, immane quiddam et beluarum simile est: sed cum tempus necessitasque postulat, decertandum manu est, et mors servituti turpitudinique anteponenda.

CAP XXIV. *Pergit Cicero in enumerandis officiis fortitudinis bellicæ.*

De evertendis autem diripiendisque urbibus valde considerandum est, ne quid temere,* ne quid crudeliter. Idque est viri magni, rebus agitatis,† punire sontes, multitudinem conservare; in omni fortuna, recta atque honesta retinere. Ut enim sunt, quem ad modum supra dixi, qui urbanis rebus bellicas anteponunt: sic reperias multos, quibus periculosa et calida consilia,‡ quietis et cogitatis, et splendidiora, et majora videantur.

Nunquam omnino periculi fuga committendum

modern tongues, appears in this phrase. To translate it into English or French, six words are necessary.

CHAPTER XXIV.

* *Temere.* *Fiat*, understood.

† *Agitatis.* *Well weighed and considered: On mature reflection.* *Cogitare* seems, indeed, but a contraction of *coagitare.* Facciolati interprets; "turbatis et jactatis rebus."

‡ *Calida consilia: rash, precipitate resolutions.*

ὦ πολλὰ δὴ καὶ θερμὰ καὶ λόγῳ κακὰ
καὶ χερσὶ καὶ νώτοισι μοχθήσας ἐγώ.

Sophocl. Trachin. 1048-9.

"vide ne nimis calidum sit modo (sc. consilium)," Ter. Eun. ii. 3. 88.

est, ut imbelles timidique videamur. Sed fugiendum etiam illud, ne offeramus nos periculis sine caussa; quo esse nihil potest stultius. Quapropter in adeundis periculis consuetudo imitanda medicorum est, qui leviter ægrotantes leniter curant: gravioribus autem morbis periculosas curationes et ancipites adhibere coguntur. Quare, in tranquillo, tempestatem adversam optare, dementis est; subvenire autem tempestati quavis ratione, sapientis: eoque magis, si plus adipiscare, re explicata, boni, quam addubitata, mali.* Periculosæ autem rerum actiones partim iis sunt, qui eas suscipiunt, partim rei publicæ. Itemque alii de vita, alii de gloria et benevolentia civium in discrimen vocantur. Promtiores igitur debemus esse† ad nostra pericula, quam ad communia, dimicareque paratius‡ de honore et gloria, quam de ceteris commodis.

Inventi autem multi sunt, qui non modo pecu-

* *Si plus—mali: if you receive more benefit by terminating the affair, than evil, by bringing it into hazard.* The use of *explicare*, in the sense of completing, liquidating, terminating, is not infrequent. "Peto a te ut ejus negotia explices et expedias, tum jure et potestate, tum etiam auctoritate et consilio tuo. Ep. Fam. xiii. 26.

† *Promtiores—esse.* The interpretation which some commentators have put on this passage appears to be the direct opposite of its meaning; which is, that *We ought to be more ready to encounter danger ourselves, than to expose to danger the public weal.*

‡ *Paratius.* On the authority of one MS. J. F. Heusinger reads, *parcius.* The present reading, restored by Gernhard, is probably correct. Those persons are blamed who prefer their own reputation to their country's safety. Fabius Cunctator is commended, "qui non ponebat rumores ante salutem." The expressions, *dimicare de gloria,*

niam, sed vitam etiam profundere pro patria parati essent; iidem gloriæ jacturam ne minimam quidem facere vellent, ne re publica quidem postulante. Ut Callicratidas,* qui cum Lacedæmoniorum dux esset† Peloponnesiaco bello, multaque fecisset egregie; vertit ad extremum omnia, cum consilio non paruit eorum, qui classem ab Arginussis‡ removendam, nec cum Atheniensibus dimicandum putabant. Quibus ille respondit, Lacedæmonios, classe illa amissa, aliam parare posse: se fugere sine suo dedecore non posse. Atque hæc quidem Lacedæmoniis plaga mediocris: illa pestifera, qua, cum Cleombrotus, invidiam timens,§

de honore, are used by Cicero for putting in danger our reputation, &c. "Qui de vita, gloriæ causa dimicant." Pro Arch. c. 10. "Reos de capite, de fama, de civitate, de fortunis, de liberis dimicantes." Pro Sext. c. 1.

* *Callicratidas*. Xen. lib. i. Ἑλληνικῶν. Plut. Lysand. et in Apophthegm. Lacon.

† *Esset*. *Fuisset* is the reading adopted by the Heusingers. As Callicratidas was in command at the time of the defeat, Gernhard prefers *esset*, which is the reading of the several MSS. The circumstances as narrated by Xenophon and Diod. Sic. xiii. 98, do not perfectly tally with these in the text. The removal of the fleet was not advised by several, but by one man, Hermon, who commanded a single vessel. The reply of Callicratidas, according to Xenophon, was, ὅτι ἡ Σπάρτη οὐδὲν μὴ κάκιον οἰκεῖται, αὐτοῦ ἀποθανόντος· φεύγειν δὲ αἰσχρὸν εἶναι.

‡ *Arginussis*. These three islands, near Lesbos, are formed of a white, argillaceous soil, and from that circumstance probably took their names. Ἀργινόεις, (candidus, splendidus) fem. ἀργινόεσσα, contracte ἀργινοῦσα. As *Oinussa* or *Oinusa* from οἰνόεις, οἰνόεσσα: *Ophyusa* and *Pityusa* from ὀφιόεσσα and πιτυόεσσα.

§ *Invidiam timens*. Suspicions were entertained that Cleombrotus secretly favoured Thebes. Xen. lib. vi. Ἑλλην.

temere cum Epaminonda conflixisset, Lacedæmoniorum opes corruerunt. Quanto Q. Maximus melius? de quo Ennius:

Unus homo nobis cunctando restituit rem.
Non ponebat enim rumores ante salutem.*
Ergo postque, magisque, viri nunc gloria claret.

Quod genus peccandi vitandum est etiam in rebus urbanis. Sunt enim, qui, quod sentiunt, etiam si optimum sit, tamen invidiæ metu non audent† dicere.

* *Salutem.* To this passage Livy also alludes, lib. xxx. 26. "Nihil certius quam unum hominem nobis cunctando rem restituisse, sicut Ennius ait."

† *Non audent.* In the present instance, and in others similar, where *sunt qui* is followed by a verb in the indicative, Ernesti has altered it into the subjunctive. J. F. Heusinger asserts that this has been done against the authority of MSS.; and that where the matter predicated in the sentence is simple and absolute, without doubt or reserve, the indicative is properly employed. In the present Book, chap. xxx. occurs the following passage: "Sunt his alii multum dispares, simplices et aperti, qui nihil ex occulto nihil ex insidiis agendum putant; veritatis cultores, fraudis inimici; itemque alii, qui quidvis perpetiantur, cuivis deserviant, dum quod velint consequuntur." In the first limb of this sentence, *putent* would be as improper as in the second, *perpetiuntur* and *deserviunt.* Alterations of this nature, in conformity to the grammatical notions of copyers and editors, are more difficult to effect in poetry. Thus:

Lucret. iii. 115. "Est aliud tamen in nobis quod tempore in illo,
Multi' modis agitatur et omnis accipit in se
Lætitiæ motus."

and Lib. vi. 703. "Sunt aliquot quoque res, quarum unam dicere causam
Non satis est."

CAP. XXV. *Quid ab iis requiratur qui rei publicæ præsunt, quique jus civibus dicunt.*

Omnino qui rei publicæ præfuturi sunt, duo Platonis præcepta* teneant: unum, ut utilitatem civium sic tueanter, ut quæcumque agunt, ad eam referant, obliti commodorum suorum: alterum, ut totum corpus rei publicæ curent, ne, dum partem aliquam tuentur, reliquas deserant. Ut enim tutela, sic procuratio† rei publicæ ad utilitatem eorum, qui commissi sunt, non ad eorum, quibus commissa est, gerenda est. Qui autem parti civium consulunt, partem negligunt, rem perniciosissimam in civitatem inducunt, seditionem atque discordiam: ex quo evenit, ut alii populares,‡ alii studiosi optimi cujusque,§ videantur, pauci universorum.

Hinc apud Athenienses magnæ discordiæ: in nostra re publica non solum seditiones, sed pesti-

Horat. Od. i. 7. 5. "Sunt quibus unum opus est intactæ Palladis urbem.
Carmine perpetuo celebrare."

CHAPTER XXV.

* *Platonis præcepta.* In the first and fourth Books of his Republic.

† *Procuratio.* The conduct of the concerns of others for their benefit. *Administration.*

‡ *Alii populares. Some seek popular favour.* "L. Quintius, homo maxime popularis, qui omnes rumorum et concionum ventos colligere consuesset." Pro Cluent. c. 28.

§ *Alii—cujusque;* others become adherents of some leading individual.

fera etiam bella civilia: quæ gravis, et fortis civis, et in re publica dignus principatu fugiet atque oderit, tradetque se totum rei publicæ, neque opes aut potentiam consectabitur, totamque eam sic tuebitur, ut omnibus consulat. Nec vero criminibus falsis in odium aut invidiam quemquam vocabit: omninoque ita justitiæ honestatique adhærescet, ut, dum ea conservet, quamvis graviter offendat,* mortemque oppetat potius, quam deserat illa, quæ dixi.

Miserrima omnino ambitio est honorumque contentio:† de qua præclare apud eumdem est Platonem,‡ similiter facere eos, qui inter se contenderent, uter potius rem publicam administraret, ut si nautæ certarent, quis eorum potissimum gubernaret. Idemque præcipit,§ ut eos adversarios existimemus, qui arma contra ferant; non eos, qui suo judicio tueri rem publicam velint: qualis fuit inter P. Africanum, et Q. Metellum‖ sine acerbitate dissensio.

Nec vero audiendi, graviter qui inimicis irascendum putabunt, idque magnanimi et fortis viri

* *Quamvis graviter offendat:* though he incur great personal risk.

† *Honorumque contentio.* "Nove dixit, *contentionem honorum.* Contentionem susceptam honorum gratia. Nam honores vocat magistratus." Erasm.

‡ *Platonem.* L. vi. de Republ.

§ *Idemque præcipit.* L. vi. and ix. de Republ.

‖ *P. Africanum, et Q. Metellum.* The younger Africanus, with Metellus Macedonicus. The latter was twice Princeps Senatus: his funeral was attended by four sons, of consular dignity. Velleius Pat. i. 11. Val. Max. iv.

esse censebunt. Nihil enim laudabilius, nihil magno et præclaro viro dignius placabilitate atque clementia. In liberis vero populis, et in juris æquabilitate exercenda etiam est facilitas, et altitudo animi, quæ dicitur: ne, si irascamur aut intempestive accedentibus, aut impudenter rogantibus, in morositatem inutilem* et odiosam incidamus. Et tamen ita probanda est mansuetudo atque clementia, ut adhibeatur rei publicæ caussa severitas, sine qua administrari civitas non potest. Omnis autem et animadversio, et castigatio contumelia vacare debet: neque ad ejus, qui punitur† aliquem, aut verbis fatigat,‡ sed ad rei publicæ utilitatem referri.

Cavendum est etiam, ne major pœna, quam culpa sit: et ne iisdem de caussis alii plectantur, alii ne appellunter quidem. Prohibenda autem maxime est ira in puniendo. Numquam enim, iratus qui accedet ad pœnam, mediocritatem illam tenebit, quæ est inter nimium et parum; quæ placet Peripateticis; et recte placet: modo ne laudarent iracundiam, et dicerent, utiliter a natura datam. Illa vero omnibus in rebus repudianda est, optandumque, ut ii, qui præsunt rei publicæ, legum similes sint,§ quæ ad puniendum non iracundia, sed æquitate ducuntur.

* *Inutilem: prejudicial, mischievous.*

† *Punitur.* This verb, and a few others; as *fabrico*, and *fabricor; bello*, and *bellor; objurgo*, and *objurgor;* have an active sense in the passive form, as well as active.

‡ *Verbis fatigat: reprehends.*

§ *Similes sint.* "Procedam in tribunal non furens, nec infestus, sed vultu legis." Senec. lib. i. de Irac. 16. p. 19.

CAP. XXVI. *Modestiam et animi æquabilitatem viris principibus convenire : in secundissimis rebus consilio amicorum utendum esse.*

Atque etiam in rebus prosperis et ad voluntatem nostram fluentibus superbiam, fastidium arrogantiamque magno opere* fugiamus. Nam ut adversas res, sic secundas immoderate ferre levitatis est : præclaraque est æquabilitas in omni vita, et idem semper vultus eademque frons, ut de Socrate† itemque de C. Lælio‡ accepimus. Philippum quidem Macedonum regem, rebus gestis et gloria superatum a filio, facilitate et humanitate video superiorem fuisse. Itaque alter semper magnus, alter sæpe turpissimus : ut recte præcipere videantur, qui monent, ut, quanto superiores sumus, tanto nos geramus submissius. Panætius quidem, Africanum, auditorem et familiarem suum, solitum ait dicere, ut equos, propter crebras contentiones præliorum ferocitate exsultantes, domitoribus tradere soleant, ut his facili-

CHAPTER XXVI.

* *Magno opere.* In chap. xi. Cicero uses *tanto opere ;* and elsewhere *nimio opere ; quanto opere.*

† *De Socrate.* "Hæc usque eo animum Socratis non moverunt, ut ne vultum quidem moverint. Illam mirabilem laudem et singularem usque ad extremum servavit : non hilariorem quisquam, non tristiorem, Socratem vidit ; æqualis fuit in tanta inæqualitate fortunæ." Plin. vii. 18.

‡ *C. Lælio.* Vide chap. xxx. "Mitis sapientia Læli." Hor. lib. ii. Sat. i. 72. This was the younger Lælius, grandson of the Consul, A. U. C. 563.

oribus possint uti; sic homines secundis rebus effrenatos sibique præfidentes tamquam in gyrum* rationis et doctrinæ duci oportere, ut perspicerent rerum humanarum imbecillitatem varietatemque fortunæ.

Atque etiam in secundissimis rebus maxime est utendum consilio amicorum, hisque major etiam, quam ante, tribuenda auctoritas. Iisdemque temporibus cavendum est, ne assentatoribus patefaciamus aures, neve adulari nos† sinamus; in quo falli facile est. Tales enim nos esse putamus, ut jure laudemur. Ex quo nascuntur innumerabilia peccata, cum homines inflati opinionibus tur-

* *In gyrum.* An allusion to the ring in which colts are driven round by horse-breakers.

————ubi quarta accesserit æstas,
Carpére mox gyrum incipiat.
Georg. iii. 190.

† *Adulari nos. Adulor*, in a passive sense, rarely occurs. Perizonius, and Bauer (ad Sanct. Minerv. iii. 3. 7.) would interpret, *neve eos* (sc. *assentatores*) *adulari nos sinamus.* The etymology of this verb has been debated (see Class. Journal, xxii. 297. xxvi. 427.) It was first applied, as Nonius, an ancient grammarian, i. 57. informs us, to the fawning of dogs: this is always accompanied by wagging the tail. Although Horne Tooke carries perhaps further than the result of sober inquiry might warrant, the amount of obligation which the Latin owes to the Teutonic, yet, no doubt, it is considerable. Now an ancient term for the tail, is *wedel.* And, *wedeln*, caudam motitare [Wachteri Glossarium. ii. 1840.] If the opinion of Nonius is well founded, this term may therefore have given origin to the verb. In our own tongue the etymology of the verb "to wheedle," appears also not to have been traced. Possibly it has the same root as *adulari.*

piter irridentur, et in maximis versantur erroribus. Sed hæc quidem hactenus.

Illud autem* sic est judicandum, maximas geri res et maximi animi ab iis, qui res publicas regant, quod earum administratio latissime pateat ad plurimosque pertineat. Esse autem magni animi, et fuisse multos etiam in vita otiosa, qui aut investigarent, aut conarentur magna quædam, seseque suarum rerum finibus continerent: aut interjecti† inter philosophos et eos, qui rem publicam administrarent, delectarentur re sua familiari, non eam quidem omni ratione exaggerantes, neque excludentes ab ejus usu suos: potiusque et amicis impartientes,‡ et rei publicæ, si quando usus esset. Quæ primum bene parta sit, nullo neque turpi quæstu,§ neque odioso: tum quam plurimis, modo dignis, se utilem præbeat: deinde augeatur ratione, diligentia, parsimonia: nec libidini potius luxuriæque, quam liberalitati et beneficentiæ pateat. Hæc præscripta servantem licet magnifice, graviter animoseque vivere, atque etiam simpliciter, fideliter, vitæ hominum amice.

* *Illud autem.* The remainder of this chapter, Facciolati considers as out of its place; and that it should be removed: perhaps to chap. xxi. of this Book.

† *Interjecti.* Holding a middle place between philosophers and politicians.

‡ *Impartientes.* This orthography of the verb, now generally written *impertio*, is preserved in many MSS., and recurs ch. 42. and lib. ii. 15. A similar abbreviation, it may be observed, was employed to express *par*, *per*, and *por*, in ancient MSS.

§ *Quæstu.* See i. 20. note 2.

CAP. XXVII. *Quartam virtutem, exponit Cicero, temperantiam scilicit; hoc loco contineri decorum, quod ab honesto non queat separari.*

Sequitur, ut de una reliqua parte honestatis dicendum sit:, in qua verecundia, et quasi quidam ornatus vitæ, temperantia, et modestia, omnisque sedatio perturbationum animi, et rerum modus cernitur. Hoc loco continetur id, quod dici Latine *decorum* potest: Græce enim πρέπον dicitur. Hujus vis ea est, ut ab honesto non queat separari. Nam et quod decet, honestum est; et quod honestum est, decet.

Qualis autem differentia et honesti et decori, facilius intelligi, quam explanari* potest. Quidquid est enim, quod deceat, id tum apparet, cum antegressa est honestas. Itaque non solum in

CHAPTER XXVII.

* *Intelligi quam explanari.* It is always to be suspected, when a man avows his inability to communicate his ideas, that his own comprehension of them is not the most distinct. In what the difference consists between the *honestum*, and the *decorum*, may indeed be a little difficult to define. The *honestum* is possibly the sense of order conceived by the mind; the *decorum*, as it appears in act. Melancthon, commenting on this passage, observes: "id fortasse possit ex hac similitudine intelligi: bonus habitus corporis, seu valetudo, bonum colorem gignit: malus habitus, malum colorem. Ita honestas parit decorum; estque decorum, virtutis color quidam, seu species." It must be confessed that the remainder of this chapter is obscure, and appears to contain matter of not very evident practical utility.

hac parte honestatis, de qua hoc loco disserendum est, sed etiam in tribus superioribus,* quid deceat, apparet. Nam et ratione uti atque oratione prudenter, et agere; quod agas, considerate: omnique in re, quid sit veri, videre et tueri decet: contraque falli, errare, labi, decipi tam dedecet, quam delirare et mente esse captum: et justa omnia decora sunt; injusta contra, ut turpia, sic indecora. Similis est ratio fortitudinis. Quod enim viriliter animoque magno fit, id dignum viro et decorum videtur: quod contra, id ut turpe, sic indecorum.

Quare pertinet quidem ad omnem honestatem hoc, quod dico, decorum: et ita pertinet, ut non recondita quadam ratione cernatur, sed sit in promtu. Est enim quiddam, idque intelligitur in omni virtute, quod deceat: quod cogitatione magis a virtute potest, quam re separari. Ut venustas et pulchritudo corporis secerni non potest a valetudine: sic hoc, de quo loquimur, decorum, totum illud quidem est cum virtute confusum, sed mente et cogitatione distinguitur.

Est autem ejus descriptio duplex. Nam et generale quoddam decorum intelligimus, quod in omni honestate versatur: et aliud huic subjectum, quod pertinet ad singulas partes honestatis. Atque illud superius sic fere definiri solet: decorum id esse, quod consentaneum sit hominis excellentiæ, in eo, in quo natura ejus a reliquis animantibus differat. Quæ autem pars subjecta generi est, eam sic definiunt, ut id decorum velint esse, quod

* *Tribus superioribus:* not only in temperance, but in prudence, justice, and fortitude.

ita naturæ consentaneum sit, ut in eo moderatio et temperantia appareat cum specie quadam liberali.

CAP. XXVIII. *Quid deceat et aptum sit: ex hoc fonte manare leporem, jucunditatem et venustatem.*

HÆC ita intelligi, existimare possumus ex eo decoro, quod poëtæ sequuntur: de quo alio loco plura dici solent. Sed tum servare illud poëtas, quod deceat, dicimus, cum id, quod quaque persona dignum est, et fit, et dicitur. Ut, si Æacus aut Minos* diceret,

Oderint, dum metuant:†

aut,

Natis sepulcro ipse est parens:

CHAPTER XXVIII.

* *Æacus aut Minos.* From the paternity of both these legislators, one being called the son of Jupiter, by Ægina, the other by Europa, it may be inferred, that their æra must be placed at the utmost verge of history. As judges, and as lawgivers, they probably left behind them a fair fame; which posterity rewarded, by conferring on them, and on Rhadamanthus, the office of awarding sentence on the departed.

† *Metuant.* The author of this tragedy was possibly Attius, or Accius, whose Atreus is cited by Seneca, De Clementia, lib. ii. c. 2. Sueton. Calig. c. 30; and by others. Atreus, king of Mycenæ, grandson of Tantalus, son of Pelops and Hippodamia, brother of Thyestes, and father of Agamemnon, has indeed left a history full of horrors.

Bishop Pearce, in order to preserve the metre, proposes transposing the two first words of the latter line;

"Sepulcro natis ipse sit parens."

indecorum videretur, quod eos fuisse justos accepimus. At Atreo dicente, plausus excitantur. Est enim digna persona oratio. Sed poëtæ, quid quemque deceat, ex persona judicabunt: nobis autem personam imposuit ipsa natura, magna cum excellentia præstantiaque animantium reliquarum.*

Quocirca poëtæ in magna varietate personarum, etiam vitiosis quid conveniat, et quid deceat, videbunt: nobis autem cum a natura constantiæ, moderationis, temperantiæ, verecundiæ partes datæ sint; cumque eadem natura doceat non negligere, quem ad modum nos adversus homines geramus; efficitur, ut et illud, quod ad omnem honestatem pertinet, decorum, quam late fusum sit, appareat; et hoc, quod spectatur in unoquoque genere virtutis. Ut enim pulchritudo corporis apta compositione membrorum movet oculos, et delectat hoc ipso, quod inter se omnes partes cum quodam lepore consentiunt: sic hoc decorum, quod elucet in vita, movet, approbationem eorum, quibuscum

* *Nobis—reliquarum: nature herself has dictated the character which we are to act, in a high degree excelling that of all other animals.*—"Genitivus casus, in hac syntaxi, duriusculus videtur," Facciolati. Whether the gender of *animantium* should be masc. or fem. is a question on which transcribers and former editors seem pretty equally divided. The fem. is adopted by the Heusingers, and by Gernhard. "Nam cum (natura) cæteras animantes abjecisset ad pastum, solum hominem erexit, ad cœlique, quasi cognationis domiciliique pristini, conspectum excitavit." De Legg. i. 9.

vivitur, ordine, et constantia, et moderatione dictorum omnium atque factorum.

Adhibenda est igitur quædam reverentia adversus homines, et optimi cujusque,* et reliquorum. Nam negligere, quid de se quisque sentiat, non solum arrogantis est, sed etiam omnino dissoluti. Est autem quod differat, in hominum ratione habenda, inter justitiam et verecundiam. Justitiæ partes sunt, non violare homines; verecundiæ non offendere, in quo maxime perspicitur vis decori. His igitur expositis quale sit id, quod decere dicimus, intellectum puto.

Officium autem, quod ab eo ducitur, hanc primum habet viam,† quæ deducit, ad convenientiam conservationemque naturæ: quam si sequemur ducem, numquam aberrabimus, consequemurque et id, quod acutum et perspicax natura est: et id, quod ad hominum consociationem accommodatum; et id, quod vehemens atque forte. Sed maxima vis decori in hac inest parte, de qua disputamus.‡ Neque enim solum corporis, qui ad naturam apti sunt, sed multo etiam magis animi motus probandi, qui item and naturam accommodati sunt.

Duplex est enim vis animorum atque natura:

* *Optimi cujusque.* "Primum erga optimum quemque, tum ordine erga reliquos." Facciolati.

† *Viam.* Ernesti edits, *primam habet viam.* *Vim*, which J. F. Heusinger adopts, does not appear to have the support of a single MS. and of but two preceding editors. From the verbs employed; *deducit*, and *aberrabimus;* we may safely consider *viam* as the preferable reading.

‡ *In hac—disputamus:* in the subject which we are now considering: i. e. temperance.

una pars in appetitu posita est, quæ est ὁρμὴ Græce, quæ hominem huc et illuc rapit: altera in ratione, quæ docet et explanat, quid faciendum fugiendumque sit. Ita fit, ut ratio præsit, appetitus obtemperet.

CAP. XXIX. *Appetitum rationi subjiciendum esse. De ludo et joco.*

Omnis autem ratio vacare debet temeritate et negligentia: nec vero agere quidquam, cujus non possit caussam probabilem reddere. Hæc est enim fere descriptio officii.* Efficiendum autem est, ut appetitus rationi obediant, eamque neque præcurrant, nec propter pigritiam, aut ignavima deserant: sintque tranquilli, atque omni perturbatione animi careant. Ex quo elucebit omnis constantia, omnisque moderatio. Nam qui appetitus longius evagantur, et tamquam exsultantes sivi cupiendo, sivi fugiendo, non satis a ratione retinentur, ii sine dubio finem et modum transeunt. Relinquunt enim et abjiciunt obedientiam, nec rationi parent, cui sunt subjeoti lege naturæ: a quibus non modo animi perturbantur, sed etiam corpora. Licet ora ipsa cernere iratorum, aut

CHAPTER XXIX.

* *Officii.* These two sentences Facciolati considers as introduced by some interpolator, and made up from de Fin. iii. 17. For *ratio*, many editors have *actio:* for *possit*, *possis.*

eorum, qui aut libidine aliqua, aut metu commoti sunt, aut voluptate nimia gestiunt: quorum omnium vultus, voces, motus, statusque mutantur.

Ex quiqus illud intelligitur (ut ad officii formam revertamur) appetitus omnes contrahendos sedandosque esse, excitandamque animadversionem et diligentiam, ut ne quid temere ac fortuitu, inconsiderate negligenterque agamus. Neque enim ita generati a natura sumus, ut ad ludum et ad jocum facti esse videamur: ad severitatem potius, et ad quædam studia graviora atque majora. Ludo autem et joco uti illo quidem licet: sed sicut somno et quietibus ceteris, tum, cum gravibus seriisque rebus satisfecerimus. Ipsumque genus jocandi non profusum, nec immodestum, sed ingenuum et facetum esse debet. Ut enim pueris non omnem ludendi licentiam damus, sed eam, quæ ab honestis actionibus non sit aliena: sic in ipso joco aliquod probi ingenii lumen eluceat.

Duplex omnino est jocandi genus: unum illiberale, petulans, flagitiosum, obscenum; alterum elegans, urbanum, ingeniosum, facetum. Quo genere non modo Plautus noster, et Atticorum antiqua comœdia,* sed etiam philosophorum Socraticorum libri referti sunt: multaque multorum facete dicta; ut ea, quæ a sene

* *Antiqua comœdia.* Living characters were introduced and burlesqued on the stage by these early writers. Of this description, the comedies of Aristophanes alone have been preserved. To which class of Cicero's epithets we ought to resort to characterize these, many persons have expressed an opinion opposite to his.

Catone collecta sunt, quæ vocant ἀποφθέγματα. Facilis igitur est distinctio ingenui et illiberalis joci. Alter est, si tempore fit, remisso homine dignus; alter ne libero quidem, si rerum turpitudo adhibetur, aut verborum obscenitas.* Ludendi etiam est quidam modus retinendus: ut, ne nimis omnia profundamus,† elatique voluptate in aliquam turpitudinem delabamur. Suppeditant autem et

* *Alter—obscenitas. The one species of joking, if well timed, becomes a man in moments of relaxation: the other is unbecoming any respectable man; if in the subject there be any thing disgraceful; or, in the language, obscenity. Liber*, in the text, is considered by Gernhard, as employed, not in the sense of ingenuous;—unbecoming, as we should say a gentleman:—but in the sense of free-spoken; a man without reserve: "qui libere loquitur; non nimis verecundus."

"Liber homo es nimium, dicis mihi, Chærile, semper."
Mart. i. Ep. 68.

† *Ut—profundamus.* In this sentence, and the preceding, there is much variance in the MSS.; and it is to be feared, still some error. For *omnia* Gernhard suggests *inania.* For *nimis*; Heusinger inserted *mimis;* but without sufficient authority. In the interpretation of the verb *profundere*, there is much difference of opinion. One German translator, Gottschling, adheres to its ordinary acceptation; *that we may not waste our substance.* Another, the ingenious Garve, thus renders the passage: *that we may not, in such moments, give utterance to everything that enters our minds; but avoid, whilst elated by pleasure, indulging in any thing that may disgrace us.* Though *profundere* in its metaphorical sense is usually applied to waste of wealth, yet instances of its application in other senses are not wanting. "Se profundit in eum." Ad Att. vii. 3. "Voluptates cum inclusæ diutius, prima ætate, et compressæ fuerunt, subito se nonnunquam profundunt." Pro Cœlis 30. "Secreti libidinem nactus et

campus noster,* et studia venandi, honesta exempla ludendi.

CAP. XXX. *Quæ sit hominis præstantia: quæ exinde fluant officia: in animis magnas esse varietates.*

Sed pertinet ad omnem officii quæstionem semper in promtu habere, quantum natura hominis pecudibus reliquisque beluis antecedat. Illæ nihil sentiunt, nisi voluptatem, ad eamque feruntur omni impetu: hominis autem mens† discendo alitur et cogitando, semper aliquid aut anquirit aut agit, videndique et audiendi delectatione ducitur. Quin etiam si quis est paullo ad voluptates propensior, modo ne sit ex pecudum genere (sunt enim quidam homines non re, sed nomine) sed si quis est paullo erectior, quamvis voluptate capiatur, occultat et dissimulat appetitum voluptatis, propter verecundiam.

quasi civitatis oculis remotus, cuncta simul vitia male diu dissimulata tandem profudit." Sueton. Tiber. 42. *Profundere omnia*, may mean to give up the reins to the imagination; acting and speaking without adverting in the least to the consequences. "*Omnia*, intelligo risum, clamorem, motum corporis," &c. Ernesti.

* *Campus noster*. The *Campus Martius;* in which all exercises tending to strengthen and give agility to the human frame, were constantly in practice.

CHAPTER XXX.

† *Mens*. Here Ernesti suspects that *quia* is wanting: *mens*, quia *discendo alitur*.

Ex quo intelligitur, corporis voluptatem non satis esse dignam hominis præstantia, eamque contemni et rejici oportere: sin sit quispiam, qui aliquid tribuat voluptati, diligenter ei tenendum esse ejus fruendæ modum. Itaque victus cultusque corporis ad valetudinem referatur, et ad vires, non ad voluptatem. Atque etiam si considerare volumus, quæ sit in natura hominis* excellentia et dignitas; intelligimus, quam sit turpe diffluere luxuria, et delicate ac molliter vivere: quamque honestum parce, continenter, severe, sobrie.

Intelligendum etiam est, duabus quasi nos a natura indutos esse personis: quarum una est communis, ex eo, quod omnes participes sumus rationis præstantiæ queejus, qua antecellimus bestiis, a qua omne honestum decorumque trahitur, et ex qua ratio inveniendi officii exquiritur: altera autem, quæ proprie singulis est tributa. Ut enim in corporibus magnæ dissimilitudines sunt (alios videmus velocitate ad cursum, alios viribus ad luctandum valere: itemque in formis aliis dignitatem inesse, aliis venustatem) sic in animis exsistunt majores etiam varietates.

Erat in L. Crasso, in L. Philippo, multus lepos: major etiam magisque de industria† in C. Cæsare,‡ L. F. At iisdem temporibus in M.

* *Hominis.* This word, which is found in several MSS though omitted by the Heusingers, seems to render the sentence more clear.

† *Magisque de industria. More the result of his own application.*

‡ *C. Cæsare.* L. Crassus, L. Marcius Philippus, and C. Cæsar, surnamed Strabo, are all named in other writings

Scauro et in M. Druso* adolescente, singularis severitas, in C. Lælio† multa hilaritas, in ejus familiari Scipione, ambitio major, vita tristior.‡ De Græcis autem dulcem, et facetum, festivique sermonis, atque in omni oratione simulatorem,§ quem ειρωνα Græci nominaverunt, Socratem accepimus: contra, Pythagoram et Periclem summam auctoritatem|| consecutos, sine ulla hilaritate. Callidum Hannibalem ex Pœnorum; ex nostris ducibus, Q. Maximum accepimus, facile celare, tacere, dissi-

of Cicero, and were, at the time of his entrance into public life, distinguished speakers.

* *Scauro—Druso.* M. Æmilius Scaurus, named in the 22d chapter. M. Livius Drusus, having proposed a law for extending the citizenship of Rome to her allies, was assassinated as he entered his own door, and in public. A. U. C. 763.

† *Lælio.* Whom Cicero distinguishes as an interlocutor, in his dialogue De Amicitia. Silius Italicus says of him,

———Quum dulcia solveret ora,
Æquabat Piliæ Neleia verba senectæ

‡ *Vita tristior. More gravity in his deportment.* Val. Max. lib. ii. 7. 1. In another place, Læl. c. 3. Cicero speaks *de moribus facillimis* of Scipio Africanus.

§ *Simulatorum.* This term is not to be understood in an unfavourable sense. "Se omnium rerum inscium fingebat et rudem." Brut. 85. Εἴρων is interpreted by Quintilian, ix 2. 46. "agens imperitum, et admirator aliorum tanquam sapientium."—"Cum aliud diceret (Socrates) atque sentiret, libenter uti solitus est ea dissimulatione quam Græci εἰρωνείαν vocant." Acad. 2. iv. 5.

|| *Pythagoram—auctoritatem.* The disciples of Pythagoras display the reverence with which they were impressed towards him, by assigning his authority, αὐτὸς ἔφη, as proof sufficient of any argument. The influence of Pericles over his countrymen appears in Plutarch's Life of him, and Thucyd. ii.

mulare, insidiari, præcipere hostium consilia.* In quo genere Græci Themisoclem et Pheræum Jasonem† ceteris anteponunt; in primisque versutum et callidum factum Solonis, qui, quo et tutior vita ejus esset, et plus aliquanto rei publicæ prodesset, furere se simulavit.‡

Sunt his alii multum dispares, simplices et aperti; qui nihil ex occulto, nihil de insidiis agendum putant, veritatis cultores, fraudis inimici; itemque alii, qui quidvis perpetiantur, cuivis deserviant, dum, quod velint, consequantur: ut Sullam et M. Crassum§ videbamus. Quo in genere

* *Præcipere—consilia. To be beforehand in the designs of the enemy.* So in chap. 23. *præcipere cogitatione, futura.*

† *Jasonem.* Sovereign of Pheræ in Thessaly. Xenoph. Ἑλληνικ. lib. vi. Diod. Sic. lib. xv.

‡ *Simulavit.* The warfare with Megara, occasioned by the disputed sovereignty over the island of Salamis had been productive to Athens of so much mischief, that it was forbidden, under pain of death, to propose any further measures for the conquest of that island. A favourable opportunity to effect it, however, offering, Solon pretended madness, and coming into an assembly of the people, after much unconnected discourse, turned it seriously to the subject of Megara, and convinced his auditors of the expedience of repeating their attempts to regain the island. These were in consequence repeated, and were crowned with success. Diog. Laert. lib. i. 46. Justin. lib. ii. 7.

§ *Sullam et M. Crassum.* Grævius introduces from a MS. the reading, *Sullæ, M. Crassum*, which is adopted by Ernesti. But an instance of adherence to the powerful head of a faction does not seem to bear relation to that which Cicero had in view, namely,—subservience to any body, however despicable or vicious; submission to any humiliation, in order to effect a political purpose. Instances

versutissimum et patientissimus Lacedæmonium Lysandrum accepimus; contraque, Callicratidam, qui præfectus classis proximus post Lysandrum* fuit. Itemque in sermonibus alium quem, quamvis præpotens sit, efficere, ut unus de multis esse videatur:† quod in Catulo, et in patre, et in filio, idemque in Q. Mucio Mancia vidimus. Audivi ex majoribus natu, hoc idem fuisse in P. Scipione Nasica: contraque patrem ejus, illum, qui Ti. Gracchi conatus perditos vindicavit, nullam comitatem habuisse sermonis: [ne] Xenocratem‡ quidem, severissimum philosophorum, ob eamque rem ipsam, magnum et clarum fuisse. Inumerabiles aliæ dissimilitudines sunt naturæ morumque, minime tamen vituperandorum.

of the popular arts, affected by both Sylla and Crassus' and of the former's indulgence to the soldiery, appear in their lives by Plutarch.

* *Post Lysandrum.* By paying court to the younger Cyrus, Lysander procured from him supplies of money for carrying on the war with Athens. Callicratidas, his successor, taking offence, because, on one occasion, instant admission to Cyrus was refused to him, and retiring indignantly, failed in attaining the same object. Xen. lib. i Ἑλληνικ.

† *Alium—videatur.* The verb *accepimus* is understood from the preceding sentence; *quem* for *aliquem.*

‡ *Xenocratem.* A native of Chalcedon, and scholar of Plato. After the death of Speusippus he was placed at the head of the Academy. The five words which relate to him are supposed to be an interpolation. In one MS., which Gernhard follows, *ne*, is omitted: with the reading in the text, *comitatem habuisse sermonis*, is understood.

CAP. XXXI. *Suum ingenium, et noscere, et sequi; et bonorum et vitiorum suorum, acrem judicem se quemque præbere.*

Admodum autem tenenda sunt sua cuique, non vitiosa, sed tamen propria, quo facilius decorum, illud, quod quærimus, retineatur. Sic enim est faciendum, ut contra universam naturam nihil contendamus: ea tamen conservatà, propriam naturam sequamur; ut, etiam si sint alia graviora atque meliora, tamen nos studia, nostræ naturæ* regula, metiamur. Neque enim attinet repugnare naturæ, nec quidquam sequi, quod assequi non queas. Ex quo magis emergit, quale sit decorum illud, ideo, quia nihil decet *invita*, ut aiunt, *Minerva*, id est, adversante et repugnante natura.

Omnino si quidquam est decorum, nihil est profecto magis, quam æquabilitas universæ vitæ, tum singularum actionum; quam conservare non possis, si aliorum naturam imitans omittas tuam. Ut enim sermone eo debemus uti, qui natus et nobis,

CHAPTER XXXI.

* *Studia nostræ naturæ.* The MSS. vary between *nostra*, et *nostræ*. Bishop Pearce inserts both; and is followed by Ernesti and Gernhard: *that we should regulate our pursuits in conformity to* our own *nature*. This emendation appears probable. One of two similar words, following each other, is in most danger of being omitted by transcribers: yet as not a single MS. has been adduced in which both words appear, their insertion in the text seems unwarranted.

ne, ut quidam, Græca verba inculcantes* jure optimo rideamur; sic in actiones omnemque vitam nullam discrepantiam conferre debemus.

Atque hæc differentia naturarum tantam habet vim, ut nonnumquam mortem sibi ipse consciscere alius debeat,† alius in eadem caussa non debeat. Num enim alia in caussa M. Cato fuit, alia ceteri, qui se in Africa Cæsari tradiderunt? Atqui ceteris forsitan vitio datum esset, si se interemissent, propterea quod lenior eorum vita et mores fuerant faciliores: Catoni cum incredibilem tribuisset natura gravitatem, eamque ipse perpetua constantia roborasset, semperque in proposito susceptoque consilio permansisset, moriundum potius, quam tyranni vultum aspiciendum fuit.

Quam multa passus est Ulixes in illo errore diuturno,‡ cum et mulieribus (si Circe et Calypso mulieres appellandæ sunt) inserviret, et in omni sermone omnibus affabilem et jucundum se esse

* *Inculcantes.* This verb is used by Cicero in the sense of *mixing in; inserting*. Orat. c. 56. "Inculcamus autem per imprudentiam sæpe etiam minus usitatos, sed tamen versus." Ibid. 69. "Apud alios inculcata reperies inania quædam verba."

† *Alius debeat.* On another occasion, Cicero has declared an opinion expressly opposite. "Piis omnibus retinendus est animus in custodia corporis; nec injussu ejus a quo ille est vobis datus, ex hominum vita migrandum est." In Somn. Scip. He here states what was consentaneous to Stoic principles.

‡ *Errore diuturno.* Exemplum est animi nimium patientis Ulixes,
Jactatus dubio per duo lustra mari.
Ovid. Pont. iv. Ep. 2. 9.

vellet? Domi etiam contumelias servorum ancillarumque pertulit, ut ad id aliquando, quod cupiebat, veniret. At Ajax, quo animo traditur, milies* oppetere mortem potius, quam illa perpeti maluisset.†

Quæ contemplantes expendere oportebit, quid quisque habeat sui; eaque moderari, nec velle experiri, quam se aliena deceant. Id enim maxime quemque decet, quod est cujusque maxime suum. Suum quisque igitur noscat ingenium, acremque se et bonorum, et vitiorum suorum judicem præbeat, re scenici plus, quam nos, videantur habere prudentiæ. Illi enim non optimas, sed sibi accommodatissimas fabulas eligunt. Qui voce freti sunt, Epigonos,‡ Medumque: qui gestu, Menalippam, Clytæmnestram: semper Rupilius, quem ego memini, Antiopam; non sæpe Æsopus§

* *Milies.* See note II. 21.

† *Potius—maluisset.* This verb, and adverb, are joined by Cicero in other instances. "Se ab omnibus desertos, potius quam a te defensos esse malunt." Cæcil. 6. "Idcirco casum potius quam te laudari mavis." Ep. xv. 5.—*Potius* is also found joined to a comparative. "Quævis fuga potius optatior." Pis. 14. as μᾶλλον is in Greek. Fisch. Animadv. ii. 138.

‡ *Epigonos.* Thistragedy of Accius received its name from the Ἐπίγονοι, or descendants of those who perished at Thebes, with Polynices, the son of Œdipus. The Medus is supposed to have been a tragedy of Pacuvius; Menalippa and Clytemnestra, of Accius. Both Pacuvius and Livius Andronicus wrote tragedies under the title of Antiopa. The heroine of this piece was an Amazon, as well as Menalippa.

§ *Æsopus.* A tragic actor in high estimation, who lived on terms of intimacy with Cicero himself. Ep. vii. 1.

Ajacem. Ergo histrio hoc videbit in scena, non videbit sapiens in vita? Ad quas igitur res aptissimi erimus, in iis potissimum elaborabimus. Sin aliquando necessitas nos ad ea detruserit, quæ nostri ingenii non erunt, omnis adhibenda erit cura, meditatio, diligentia, ut ea, si non decore, ad quam minime indecore facere possimus. Nec tam est enitendum, ut bona, quæ nobis data non sint, sequamur, quam ut vitia fugiamus.

CAP. XXXII. *De diversis conditionibus: de eligendo genere vitæ.*

Ac duabus iis personis, quas supra dixi, tertia adjungitur quam casus aliqui, aut tempus imponit: quarta etiam, quam nobismet ipsi judicio nostro accommodamus.* Nam regna, imperia, nobilitates, honores, divitæ, opes, eaque, quæ sunt his contraria, in casu sita, temporibus gubernantur. Ipsi autem gerere quam personam velimus, a nostra voluntate proficiscitur. Itaque se alii ad philoso-

CHAPTER XXXII.

* *Accommodamus.* The objects of inquiry have been, 1st. What is incumbent on each man, considered merely as a human being. 2d. In consequence of his individual character. 3d. Cicero now proceeds to inquire what are each man's duties in consequence of the peculiar station and circumstances in which he happens to be placed. And 4th. In conformity to the character which he assumes by his own choice. *Quatuor gradus facit.* I. *Naturam.* II. *Suam cujusque indolem.* III. *Vitæ genus in quod casu incidimus.* IV. *Studium ad quod voluntate nos contulimus.* Melancthon.

phiam, alii ad jus civile, alii ad eloquentiam applicant; ipsarumque virtutum id alia alius mavult excellere.

Quorum vero patres, aut majores aliqua gloria præstiterunt, ii student plerumque eodem in genere laudis excellere: ut Q. Mucius,* P. F. in jure civili; Paulli filius† Africanus in re militari. Quidam autem ad eas laudes, quas a patribus acceperunt, addunt aliquam suam: ut hic idem Africanus eloquentia cumulavit bellicam gloriam: quod idem fecit Timotheus,‡ Cononis filius, qui, cum belli laude non inferior fuisset, quam pater, ad eam laudem, doctrinæ et ingenii gloriam adjecit. Fit autem interdum, ut non nulli, omissa imitatione majorum, suum quoddam institutum consequantur:§ maximeque in eo plerumque elaborant ii, qui magna sibi proponunt, obscuris orti majoribus.

Hæc igitur omnia, cum quærimus, quid deceat, complecti animo et cogitatione debemus. In primis autem constituendum est, quos nos, et quales esse velimus, et in quo genere vitæ: quæ deliberatio est omnium difficillima. Ineuente enim ado-

* *Q. Mucius.* Surnamed Scævola, consul with L. Crassus, A. U. C. 658. Cicero has elsewhere described him, "unum nostræ civitatis et ingenio et justitia præstantissimum." Læl. i. And Brut. c. 39. "jureconsultorum disertissimum."

† *Paulli filius.* The son of Æmilius Paullus, whom Sc. Africanus adopted.

‡ *Timotheus.* The father freed his country from the Lacedemonian yoke: the son extended its dominion. Corn. Nep. in Timoth. c. 1.

§ *Consequantur.* This verb is occasionally synonymous h *sequor* or *persequor*. "Eum morem igitur, cum bre-, si potero, consequar." Legg. ii. 7.

lescentia, cum est maxima imbecillitas consilii, tum id sibi quisque genus ætatis degendæ constituit, quod maxime adamavit. Itaque ante implicatur aliquo certo genere cursuque vivendi, quam potuit, quod optimum esset, judicare.

Nam quod Herculem Prodicium* dicunt (ut est apud Xenophontem†) cum primum pubesceret (quod tempus a natura ad deligendum, quam quisque viam vivendi sit ingressurus, datum est) exisse in solitudinem, atque ibi sedentem diu secum multumque dubitasse, cum duas cerneret vias, unam Voluptatis, alteram Virtutis, utram ingredi melius esset; hoc Herculi, Jovis satu edito, potuit fortasse contingere: nobis non item, qui imitamur, quos cuique visum est, atque ad eorum studia institutaque impellimur. Plerumque autem, parentium‡ præceptis imbuti, ad eorum consuetudinem moremque deducimur. Alii mulitudinis judicio feruntur, quæque majori parti pulcherrima videntur, ea maxime exoptant. Non nulli tamen sive felicitate quadam, sive bonitate naturæ, sive parentium disciplina, rectam vitæ secuti sunt viam.

* *Herculem Prodicium.* Prodicus, a native of Cos, was the original author of the allegory of the choice of Hercules. Xenoph. Mem. lib. ii. By *Herculem Prodicium* is meant, *Hercules* apud *Prodicum;* as in cap. ix. "Terentianus Chremes."

† *Xenophontem.* Memorabil. ii. 1.

‡ *Parentium.* This genitive is attributed by Priscian, vii. 772. to Cicero. It is here admitted by the Heusingers and Gernhard, on the authority of but one MS.; all the others to which the Heusingers had access, all early editors, and the extracts from Bede, have *parentum.*

CAP. XXXIII. *Vitæ genus sedulo diligendum, nec temere commutandum: imitandos esse majores.*

Illud autem maxime rarum genus est eorum, qui aut excellente ingenii magnitudine, aut præclara eruditione atque doctrina, aut utraque re ornati, spatium etiam deliberandi habuerunt, quem potissimum vitæ cursum sequi vellent: in qua deliberatione ad suam cujusque naturam consilium est omne revocandum. Nam cum in omnibus, quæ aguntur, ex eo, quo modo quisque est natus (ut supra dictum est) quid deceat, exquirimus; tum in tota vita constituenda, multo est ei rei cura major adhibenda, ut constare in vitæ perpetuitate possimus nobismet ipsis, nec in ullo officio claudicare.

Ad hanc autem rationem quoniam maximam vim natura habet, fortuna proximam; utriusque omnino habenda ratio est in deligendo genere vitæ, sed naturæ magis. Multo enim et firmior est, et constantior; ut fortuna non numquam ipsa, mortalis cum immortali natura pugnare videatur.* Qui igitur ad naturæ suæ non vitiosæ genus consilium vivendi omne contulerit, is constantiam teneat (id enim maxime decet) nisi forte se intel-

CHAPTER XXXIII.

* *Videatur.* Fortune is represented as light and mutable; nature as firm and consistent. If therefore any con- arise between them, it may be compared to that of a al with an immortal. Facciolati.

lexerit errasse in deligendo genere vitæ. Quod si acciderit (potest autem accidere) facienda morum institutorumque mutatio est. Eam mutationem, si tempora adjuvabunt, facilius commodiusque faciemus. Sin minus; sensim erit pedetentimque facienda: ut amicitias, quæ minus delectent et probentur, magis decere censent sapientes* sensim dissuere, quam repente præcidere. Commutato autem genere vitæ, omni ratione curandum est, ut id bono consilio fecisse videamur.

Sed quoniam paullo ante dictum est, imitandos esse majores, primum illud exceptum sit, ne vitia sint imitanda.† Deinde, si natura non feret, ut quædam imitari possit; (ut superioris Africani filius, qui hunc Paullo natum adoptavit, propter infirmitatem valetudinis non tam potuit patris similis esse, quam ille fuerat sui) si igitur non poterit sive caussas defensitare, sive populum concionibus tenere, sive bella gerere; illa tamen præstare debebit, quæ erunt in ipsius potestate, justitiam, fidem, liberalitatem, modestiam, temperantiam, quo minus ab eo id, quod desit, requiratur. Optima autem hereditas a patribus traditur liberis, omnique patrimonio præstantior, gloria virtutis rerumque gestarum: cui dedecori esse, nefas es impium judicandum est.

* *Sapientes.* Cicero has elsewhere attributed to Cato this advice. "Tales amicitiæ sunt remissione usus eluendæ; et ut Catonem dicere audivi, dissuendæ magis quam discindendæ." Læl. 21.

† *Ne—imitanda.* This is probably intended, not to dissuade from the imitation of moral dilinquencies, but of any peculiarities or personal defects in those persons whom we respect, and take as models

CAP. XXXIV. *Disparibus ætatibus et diversis conditionibus non eadem officia tribuenda esse.*

Et quoniam officia non eadem disparibus ætatibus tribuuntur, aliaque sunt juvenum, alia seniorum: aliquid etiam de hac distinctione dicendum est. Est igitur adolescentis, majores natu vereri,* exque his deligere optimos et probatissimos,† quorum consilio atque auctoritate nitatur. Ineuntis enim ætatis inscitia senum constituenda et regenda prudentia est. Maxime autem hæc ætas a libidinibus arcenda est, exercendaque in labore patientiaque et animi, et corporis; ut eorum et in bellicis, in civilibus officiis vigeat industria. Atque etiam cum relaxare animos et dare se jucunditati volent, caveant intemperantiam, meminerint verecundiæ: quod erit facilius, si in ejusmodi quidem rebus majores natu interesse velint.

CHAPTER XXXIV.

* *Vereri.* Αἰδεῖσθαι πολιοκροτάφους, εἴκειν δὲ γέρουσιν
"Εδρης καὶ γεράων πάντων· γενεῇ δ' ἀτάλαντον
Πρέσβυν ὁμήλικα πατρὸς, ἴσαις τιμαῖσι γέραιρε.
Phocyl. v. 207.

† *Probatissimos.* Tacit. in Dialog. De Oratoribus. "Apud majores nostros, juvenis ille qui foro et eloquentiæ parabatur deducebatur a patre vel propinquis ad eum oratorem qui principem locum in civitate tenebat. Hunc sectari, hunc prosequi, hujus omnibus dictionibus interesse, atque sic dixerim, pugnare in prælio, discere."—"Mos erat Romæ ut parentes filios adolescentes alicui viro primario commendarent, ex cujus consuetudine proficerent." Ernesti.

Senibus autem labores corporis minuendi, exercitationes animi etiam augendæ* videntur. Danda vero opera, ut et amicos, et juventutem, et maxime rem publicam consilio et prudentia quam plurimum adjuvent. Nihil autem magis cavendum est senectuti, quam ne languori se desidiæque dedat. Luxuria vero cum omni ætati turpis, tum senectuti fœdissima est. Sin autem libidinum etiam intemperantia accesserit, duplex malum est, quod et ipsa senectus concipit dedecus, et facit adolescentium impudentiorem intemperantiam.†

Ac ne illud quidem alienum est, de magistratuum, de privatorum, [de civium,‡] de peregrinorum officiis dicere. Est igitur proprium munus magistratus, intelligere, se gerere personam civitatis, debereque ejus dignitatem et decus sustinere, servare leges, jura describere,§ ea fidei suæ commissa meminisse. Privatum autem oportet æquo et pari cum civibus jure vivere, neque summissum et abjectum, neque se efferentem: tum in republica ea velle, quæ tranquilla et honesta sint.‖ Talem enim et sentire bonum civem, et dicere solemus.

* *Augendæ.* Βουλῇ καὶ μύθοισι, τὸ καὶ γέρας ἐστὶ γερόντων. Hom.

† *Intemperantiam.* Ὅπου ἀναισχυντοῦσι γέροντες, ἀνάγκη καὶ νέους ἐνταῦθα εἶναι ἀναιδεστάτους. Plat. de Legg. v.

‡ *De civium.* Several MSS. omit these words: others, *de*, only. Probably a marginal gloss, intended to give a synonym for *privatorum*, has been removed into the text.

§ *Jura describere: to administer justice.*

‖ *Est igitur—efferentem.* In these two sentences, th duties of a person exercising magistracy, are put in op sition to those of another who is termed *privatus*. On

Peregrini autem, atque incolæ* officium est, nihil præter suum negotium agere, nihil de alio anquirere, minimeque esse in aliena re publica curiosum. Ita fere officia reperientur, cum quæretur, quid deceat, et quid aptum sit personis, temporibus, ætatibus. Nihil est autem, quod tam deceat,

latter are inculcated the duties of conducting himself on a footing of equality with the citizens; neither with abject humility, nor with arrogance; but in all measures regarding the state, pursuing the path of peace and honour.— These injunctions seem to warrant the conjecture that the term *privatus* does not here mean one of the citizens in general, but a person distinguished by some circumstance from them, on the one hand, on the other, from him, "qui gerit personam civitatis." Adverting to the rules of government in the popular states of antiquity, and in Rome in particular, *privatus* may be conjectured in this passage to mean *a person who has borne, but is no longer in office; an ex-magistrate.* Among the interpretations of the word given by Facciolati, it is said: "Privatus homo dicitur qui in magistratu non est; ἰδιώτης. Nam qui magistratum gerit est publicus." But it is apprehended that in this passage something more is meant. The ellipse is *magistratu:* the circumstance of once having borne office is that which induces Cicero to warn the ex-functionary against harbouring ambitious designs, and against arrogance. This interpretation is however submitted with much diffidence, as it has not the support of any passage where the word bears exactly the same import, nor has it been suggested by any previous commentator.

* *Peregrini—incolæ.* The term *peregrinus*, applies to a native and inhabitant of one country, occasionally residing in another. *Incola*, to a foreigner having a fixed residence in another country, but without acquiring there, political rights.

quam in omni re gerenda consilioque capiendo servare constantiam.*

CAP. XXXV. *Quod sit quod deceat; verecundiæ normam a natura doceri.*

Sed quoniam decorum illud in omnibus factis, dictis, in corporis denique motu et statu cernitur, idque positum est in tribus rebus, formositate, ordine, ornatu ad actionem apto, difficilibus ad eloquendum,† sed satis erit intelligi; in his autem tribus continetur cura etiam illa, ut probemur iis, quibus cum‡ apud quosque vivamus: his quoque de rebus pauca dicantur.

Principio, corporis nostri magnam natura ipsa videtur habuisse rationem: quæ formam nostram reliquamque figuram, in qua esset species honesta, eam posuit in promtu: quæ partes autem corporis ad naturæ necessitatem datæ, aspectum

* *Servare constantiam: to observe consistency.*

CHAPTER XXXV.

† *Difficilibus ad eloquendum.* And why?—Not on account of the poverty of his language, but because the rules are matter of taste; not only differing in different countries, and ages, but in every individual; each having his own standard. On certain points we may agree; on others, dispute for ever. *Formositas* may refer to the gifts of nature; *ordo*, to the effect of judgment; *ornatus*, to taste.

‡ *Quibus cum.* Cum quibus signifies, *those with whom we associate, our family and friends:* apud quos, *our countrymen, fellow-citizens.*

essent deformem habituræ atque turpem, eas contexit atque abdidit. Hanc naturæ tam diligentem fabricam imitata est hominum verecundia. Quæ enim natura occultavit, eadem omnes, qui sana mente sunt, removent ab oculis: ipsique necessitati dant operam ut quam occultissime pareant: quarumque partium corporis usus sunt necessarii, eas neque partes, neque earum usus suis nominibus appellant: quodque facere turpe non est, modo occulte, id dicere obscenum est. Itaque nec aperta actio rerum illarum petulantia vacat, nec oratio, obscenitate.*

Nec vero audiendi sunt Cynici, aut si qui fuerunt Stoici pæne Cynici,† qui reprehendunt et irrident, quod ea, quæ turpia re non sint, nominibus ac verbis flagitiosa ducamus: illa autem, quæ turpia sunt, nominibus appellemus suis. Latrocinari, fraudare, adulterare, re turpe est, sed dicitur non obscene: liberis dare operam, re honestum est, nomine obscenum: pluraque in eam sententiam ab eisdem contra verecundiam disputantur. Nos autem naturam sequamur, et ab omni, quod abhorret ab oculorum auriumque approbatione, fugiamus.

* *Oratio obscenitate.* The ordinary reading, *orationis obscenitas*, is followed by the Heusingers: the present, which Facciolati and Gernhard have adopted from several early editions, though confirmed but by one of the MSS. consulted by the Heusingers, appears to merit the preference.

† *Pæne Cynici.* Some Stoics adhered to the Cynic tenet, *suo quamque rem nomine appellare.* Hence Juvenal, Sat. xiii. 122. says their precepts are "Tunica tantum distantia." Laert. l. vii. 121.

Status, incessus, sessio, accubitio,* vultus, oculi, manuum motus, teneant illud decorum.

Quibus in rebus duo maxime sunt fugienda; ne quid effeminatum aut molle, et ne quid durum aut rusticum sit. Nec vero histrionibus oratoribusque concedendum est, ut iis hæc apta sint, nobis dissoluta. Scenicorum quidem mos tantam habet vetere disciplina verecundiam, ut in scenam sine subligaculo prodeat nemo. Verentur enim, ne, si quo casu evenerit, ut corporis partes quædam aperiantur, aspiciantur non decore. Nostro quidem more cum parentibus puberes filii, cum soceris generi non lavantur. Retinenda igitur est hujus generis verecundia, præsertim natura ipsa magistra et duce.

CAP. XXXVI. *Duo esse pulchritudinis genera: in cultu, ornatu, et gestu, quid sit observandum, et multo magis in animi motibus.*

Cum autem pulchritudinis duo genera sint, quorum in altero est venustas, in altero, dignitas; venustatem, muliebrem ducere debemus; dignitatem, virilem. Ergo et a forma removeatur omnis viro non dignus ornatus: et huic simile vitium in gestu, motuque caveatur. Nam et palæstrici motus sæpe sunt odiosiores; et histrionum non nulli gestus inepti non vacant offensione: et in utroque genere, quæ sunt recta et simplicia, laudantur.

* *Accubitio.* Al. *accubitatio*, and *accubatio*. The decorous posture here recommended, is doubtless in the mode of reclining on a couch at meal-time, as practised by the Romans.

Formæ autem dignitas, coloris bonitate tuenda est; color exercitationibus corporis. Adhibenda præterea munditia est non odiosa neque exquisita nimis, tantum quæ fugiat agrestem et inhumanam negligentiam. Eadem ratio est habenda vestitus; in quo, sicut in plerisque rebus, mediocritas optima est.

Cavendum autem est, ne aut tarditatibus utamur in ingressu mollioribus, ut pomparum ferculis * similes esse videamur; aut in festinationibus suscipiamus nimias celeritates: quæ cum fiunt, anhelitus moventur, vultus mutantur, ora torquentur; ex quibus magna significatio fit, non adesse constantiam. Sed multo etiam magis elaborandum est, ne animi motus a natura recedant: quod assequemur, si cavebimus, ne in perturbationes atque exanimationes incidamus, et si attentos animos ad decoris conservationem tenebimus. Motus autem animorum duplices sunt, alteri cogitationis, alteri appetitus. Cogitatio in vero exquirendo maxime versatur: appetitus impellit ad agendum. Curandum est igitur, ut cogitatione ad res quam optimas utamur, appetitum rationi obedientem præbeamus.

CAP. XXXVII. *De arte pronuntiandi, tum in contentione tum in sermone.*

Et quoniam magna vis orationis est, eaque du-

CHAPTER XXXVI.

* *Ferculis.* "In quibus sacra et simulacra, lentissimo incessu, circumferentur." Erasm.

"Nil æquale homini fuit illi: sæpe velut qui,
Currebat, fugiens hostem; persæpe velut qui
Junonis sacra ferret."

Horat. *Sat.* i. 3.

plex, altera contentionis, altera sermonis:* contentio disceptationibus tribuatur judiciorum, concionum, senatus; sermo in circulis, disputationibus, congressionibus familiarium versetur, sequatur etiam convivia. Contentionis præcepta rhetorum sunt; nulla sermonis: quamquam haud scio, an possint hæc quoque esse. Sed discentium studiis inveniuntur magistri:† huic autem qui studeant, sunt nulli; rhetorum turba referta omnia. Quamquam, quæ verborum sententiarumque præcepta sunt, eadem ad sermonem pertinebunt.

Sed cum orationis indicem, vocem habeamus; in voce autem duo sequamur, ut clara sit, ut suavis: utrumque omnino a natura petendum est: verum alterum exercitatio augebit, alterum imitatio presse‡ loquentium et leniter. Nihil fuit in Catulis, ut eos exquisito judicio putares uti litterarum: (quamquam erant litterati, sed et alii) hi autem optime uti lingua Latina putabantur. Sonus erat dulcis; litteræ neque expressæ, ne aut obscurum esset, aut putidum.§ Sine contentione

CHAPTER XXXVII.

* *Altera sermonis.* The talents for *public speaking*, (*contentionis*,) are widely different from those which enable a man to excel in *conversation; sermonis.*

† *Inveniuntur magistri.* Were there persons desirous of receiving rules to enable them to excel in conversation, instructors would not be deficient.

‡ *Presse.* One MS. has *expresse.* On a comparison with the following passages, it is evidently not the meaning of this term, to recommend rapidity of utterance, but distinctness; the due and articulate pronouncing of each sound.

§ *Ne aut—putidum.* A metaphor transferred from th

vox nec languens, nec canora. Uberior oratio L. Crassi, nec minus faceta: sed bene loquendi de Catulis opinio non minor. Sale vero et facetiis Cæsar, Catuli patris frater,* vicit omnes, ut in ipso illo forensi genere dicendi contentiones aliorum sermone vinceret.

In omnibus igitur his elaborandum est, si in omni re, quid deceat, exquirimus. Sit ergo hic sermo, in quo Socratici maxime excellunt, lenis minimeque pertinax: insit in eo lepos. Nec vero, tamquam in possessionem suam venerit, excludat alios: sed cum reliquis in rebus, tum in sermone communi, vicissitudinem non iniquam putet. Ac videat in primis, quibus de rebus loquatur: si seriis, severitatem adhibeat: si jocosis, leporem. In primisque provideat, ne sermo vitium aliquod indicet inesse in moribus: quod maxime tum solet evenire, cum studiose de absentibus detrahendi caussa, aut per ridiculum, aut severe, maledice contumelioseque dicitur.

Habentur autem plerumque sermones aut de domesticis negotiis, aut de re publica, aut de artium studiis atque doctrina. Danda igitur opera est, ut etiam si aberrare ad alia cœperit, ad hæc revocetur oratio. Sed utcumque aderunt,† (neque enim

organ of smell to that of hearing, and expressing that which is offensive. Before *obscurum*, several commentators think that *quid* should be inserted.

* *Frater. Half-brother:* Popillia was mother of C. J. Cæsar Strabo, and of Catulus. She was the first Roman female who had the honour of a funeral oration. De Orat. c. 7: and 11.

† *Utcumque aderunt. With due consideration to the per-*

omnes iisdem de rebus, nec omni tempore, nec similiter delectamur) animadvertendum est etiam, qua tenus sermo delectationem habeat: et, ut incipiendi ratio fuerit, ita sit desinendi modus.

CAP. XXXVIII. *Quomodo castigandum: quid in sermonibus observandum sit.*

Sed quomodo in omni vita rectissime præcipitur, ut perturbationes fugiamus, id est, motus animi nimios, rationi non obtemperantes: sic ejus modi motibus sermo debet vacare, ne aut ira exsistat, aut cupiditas aliqua, aut pigritia, aut ignavia, aut tale aliquid appareat. Maximeque curandum est, ut eos, quibus cum sermonem conferemus, et vereri, et diligere videamur. Objurgationes etiam non numquam incidunt necessariæ, in quibus utendum est fortasse et vocis contentione majore, et verborum gravitate acriore; id agendum etiam, ut ea facere videamur irati.* Sed ut ad

sons present. In some valuable MSS. and early editions, after *aderunt* is found *res.*

CHAPTER XXXVIII.

* *Irati.* In this much disputed passage, the variation in MSS. and early editions is remarkable. *Ut ea facere non videamur irati; videamur non irati; ut ne ea facere videamur irati. Ne ut ea facere;* and, *ut ea facere ne videamur.* The negative participle, and its arrangement seems alone to be in doubt: but in some MSS. it is altogether omitted, and that reading is preferred by J. F. Heusinger. The Stoics express themselves in favour of simulated anger: " Numquam itaque iracundia admittend·

urendum et secandum,* sic ad hoc genus castigandi, raro invitique veniemus, nec umquam, nisi necessario, si nulla reperietur alia medicina. Sed tamen ira procul absit, cum qua nihil recte fieri, nihil considerate potest.

Magna autem parte clementi castigatione licet uti, gravitate tamen adjuncta, ut et severitas adhibeatur, et contumelia repellatur. Atque etiam illud ipsum, quod acerbitatis habet objurgatio, significandum est, ipsius id caussa, qui objurgetur, susceptum esse. Rectum est autem, etiam in illis contentionibus, quæ cum inimicissimis fiunt, etiam si nobis indigna audiamus, tamen gravitatem retinere, iracundiam pellere. Quæ enim cum aliqua perturbatione fiunt, ea nec constanter fieri† possunt, neque iis, qui adsunt, probari. Deforme etiam est, de se ipsum prædicare, falsa præsertim, et cum irrisione audientium imitari militem gloriosum.‡

est, aliquando simulanda, si segnes audientium animi concitandi sunt." Seneca de Ira, ii. 14.

* *Urendum et secandum: the cautery and amputation.* To prevent any misapprehension of these metaphors taken from the surgical art, some MSS. add *medici:* probably removed from the margin.

† *Nec constanter fieri.* Our actions, when under the influence of passion, will be unbecoming us, and will be accompanied with the disapprobation of every person who witnesses them.

‡ *Militem gloriosum.* This character was painted by Menander; by Plautus; and by Terence; Eun. ii. 1.

CAP. XXXIX. *Qualem hominis honorati et principis domum placeat esse.*

Et quoniam omnia persequimur, volumus quidem certe, dicendum est etiam, qualem hominis honorati et principis domum placeat esse, cujus finis est usus, ad quem accommodanda est ædificandi descriptio : et tamen adhibenda commoditatis dignitatisque diligentia. Cn. Octavio,* qui primus ex illa familia consul factus est, honori fuisse accepimus, quod præclaram ædificasset in Palatio†

CHAPTER XXXIX.

* *Cn. Octavio.* To whom Perseus, king of Macedon, surrendered himself in Samothrace. Liv. xiv. 5. As Cn. Octavius was descended from one of the families introduced into Rome by Tarquinius Priscus, the appellation of *novus homo* could not be applied, on the ground of the obscurity of that family, but because he was the first of it who attained the higher offices of magistracy, the Curule honours. He was consul, A. U. C. 588, Sueton. Aug. c. 2. From his brother was descended Octavianus, who assumed the name of Augustus.

† *Palatio.* The name of the hill on which, according to tradition, the foundations of Rome were laid. During the republic, the leading persons had here their residences; and afterwards the emperors, their palaces; from this circumstance the term *Palatium* originated. "This hill, the nursery of infant Rome, and finally the residence of imperial grandeur, presents now two solitary villas and a convent, with their deserted gardens and vineyards. Its numerous temples, its palaces, its porticos, and its libraries, once the glory of Rome, and the admiration of the univer-- are now mere heaps of ruins, so shapeless and scatt-

et plenam dignitatis domum: quæ cum vulgo viseretur, suffragata domino, novo homini, ad consulatum putabatur. Hanc Scaurus* demolitus, accessionem adjunxit ædibus. Itaque ille in suam domum consulatum primus attulit: hic summi et clarissimi viri filius, in domum multiplicatam, non repulsam solum retulit, sed ignominiam et calamitatem.

Ornanda est enim dignitas domo, non ex domo tota quærenda: nec domo dominus, sed domino domus honestanda est. Et ut in ceteris habenda ratio non sua solum, sed etiam aliorum: sic in domo clari hominis, in quam et hospites multi recipiendi, et admittenda hominum cujusque modi multitudo, adhibenda cura est laxitatis.† Aliter ampla domus dedecori sæpe domino fit, si est in ea solitudo, et maxime, si aliquando alio domino solita est frequentari. Odiosum est enim, cum a prætereuntibus dicitur,

that the antiquary and architect are at a loss to discover their site." Eustace's Tour through Italy, 3d edit. vol. 1. 378.

* *Scaurus.* M. Æmilius Scaurus, son of the Princeps Senatus, named in the 22d chap. During his canvass for the consulate, two accusations were preferred against him, one for accepting, the other for giving, bribes. On each, Cicero acted as his advocate. Neither of these orations has been preserved. The pulling down this house, and the magnificence of his own, seem to have been among the circumstances which gave offence to the mob. Vide Plin. xxxvi. 15. The first accusation, of personal corruption, was not established, but that of giving bribes probably was; failed in his attempt to obtain the consulate. Ep. iv. 16. ad Q. Fratr. iii. 2.

tis: *care must be taken that it be spacious.*

O domus antiqua, heu quam dispari
Dominare domino !*

quod quidem his temporibus in multis licet dicere.†

Cavendum autem est, præsertim si ipse ædifices, ne extra modum sumtu et magnificentia prodeas: quo in genere multum mali etiam in exemplo est. Studiose enim plerique, præsertim in hanc partem, facta principum imitantur: ut L. Lucilli,‡ summi viri, virtutem quis? at quam multi villarum magnificentiam imitati sunt? quarum quidem certe est adhibendus modus, ad mediocritatemque revo-

* *Domino.* To what poet these lines are to be attributed, has not been ascertained. They are also alluded to in Philip. ii. 41. "O tecta ipsa misera! quam dispari domino! Quamquam quomodo iste dominus? Sed tamen a quam dispari tenebantur." Erasmus conjectures that Ennius wrote these lines; and that originally they stood, *O domus Anti* or *Anci, quam dispari domino dominaris.* One MS. confirms the conjecture. *Dominare* is here employed in a passive sense, of which frequent instances occur in ancient poets, with regard to verbs now called deponents.

† *Licet dicere.* Alluding to the lamentably frequent change of property in the Roman palaces, from proscriptions and confiscations, which Cicero had had the misfortune to witness, and which had not terminated when he was writing.

‡ *Lucullus.* He had the rare distinctions of displaying considerable military talents, possessing enormous wealth, and enjoying a fair reputation. In his villas, in particular, he lived in great hospitality and luxury, having different suites of apartments for summer and winter. Plin. ix. 54. Varron. R. R. lib. i. iii. Plut. in Vita. In the 4th book of Tusc. Quæst. inscribed Lucullus, his virtues are highly praised.

candus. Eademque mediocritas ad omnem usum cultumque vitæ transferenda est. Sed hæc hac tenus.

In omni autem actione suscipienda tria sunt tenenda: primum, ut appetitus rationi pareat; quo nihil est ad officia conservanda accommodatius: deinde, ut animadvertatur, quanta illa res sit, quam efficere velimus; ut neve major, neve minor cura et opera suscipiatur, quam caussa postulet: tertium est, ut caveamus, ut ea, quæ pertinent ad liberalem speciem et dignitatem, moderata sint. Modus autem est optimus, decus ipsum tenere, de quo ante diximus, nec progredi longius. Horum tamen trium præstantissimum est, appetitum obtemperare rationi.

CAP. XL. *Quid sit ordo: magnam esse vim loci et temporis ad commutandam rerum naturam.*

Deinceps de ordine rerum et de opportunitate temporum dicendum est. Hæc autem scientia continentur ea, quam Græci *εὐταξίαν* nominant: non hanc, quam interpretamur modestiam, quo in verbo modus inest; sed illa est* *εὐταξία*, in qua intelligitur ordinis conservatio. Itaque, ut eamdem nos modestiam appellemus, sic definitur a Stoicis, ut modestia sit scientia earum rerum, quæ

* *Sed illa est. Hanc* having preceded, *illam* in the accusative also might have been expected. But Cicero appears to have preferred occasionally the present construction; as, in the 6th chap. " Duo vitia vitanda, unum—alterum est vitium." De Or. 1. 27. " Has causas inveniebam duas, unam—altera est."

agentur aut dicentur, loco suo collocandarum. Ita videtur eadem vis ordinis et collocationis fore. Nam [et] ordinem sic definiunt, compositionem rerum aptis et accommodatis locis. Locum autem actionis, opportunitatem temporis esse dicunt. Tempus autem actionis, opportunum Græce εὐκαιρία, Latine appellatur occasio. Sic fit, ut modestia hæc, quam ita interpretamur, ut dixi, scientia sit opportunitatis idoneorum ad agendum temporum.

Sed potest eadem esse prudentiæ definitio, de qua principio diximus: hoc autem loco de moderatione, et temperantia, et earum similibus virtutibus quærimus: Itaque, quæ erant prudentiæ propria, suo loco dicta sunt. Quæ autem harum virtutum, de quibus jam diu loquimur, quæ pertinent ad verecundiam, et ad eorum approbationem, quibus cum vivimus, nunc dicenda sunt.

Talis est igitur ordo actionum adhibendus, ut, quem ad modum in oratione constanti, sic in vita omnia sint apta inter se et convenientia. Turpe est enim valdeque vitiosum, in re severa convivii dicta, aut delicatum aliquem inferre sermonem. Bene Pericles, cum haberet collegam in prætura Sophoclen, hique de communi officio convenissent, et casu formosus puer præteriret, dixissetque Sophocles, "O puerum pulchrum, Pericle!" "At enim prætorem, Sophocle, decet non solum manus, sed etiam oculos abstinentes habere." Atque hoc idem Sophocles si in athletarum probatione dixisset, justa reprehensione caruisset: tanta vis est et loci, et temporis.

Ut, si qui, cum caussam sit acturus, in itinere

aut in ambulatione secum ipse meditetur,* aut si quid aliud attentius cogitet, non reprehendatur: at hoc idem si in convivio faciat, inhumanus videatur, inscitia temporis. Sed ea, qua multum ab humanitate discrepant, ut, si quis in foro cantet, aut si qua est alia magna perversitas, facile apparent nec magno opere admonitionem et præcepta desiderant. Quæ autem parva videntur esse delicta, neque a multis intelligi possunt, ab iis est diligentius declinandum. Ut in fidibus aut in tibiis, quamvis paullum discrepent, tamen id a sciente animadverti solet: sic videndum est in vita, ne forte quid discrepet; vel multo† etiam magis, quo major et melior actionum, quam sonorum, concentus est.

CAP. XLI. *Minima peccata esse vitanda: in rebus dubiis quid hominibus doctis placeat, exquirendum: virtutem, ubicunque sit, coli oportere.*

Itaque, ut in fidibus musicorum aures vel minima sentiunt: sic nos, si acres ac diligentes esse volumus animadversores vitiorum, magna sæpe

* *Meditetur.* The original meaning of this verb appears to have been to *rehearse*, or practise beforehand recitation or singing. Its derivation may be from Melos: in Greek, the same resemblance appears between μέδομαι, or μήδομαι, and μέλος. Speaking of Demosthenes, our author has said, De Orat. c. 61. "perfecit meditando ut nemo planius eo locutus putaretur." And Quintilian, iv. c. 2. calls "Declamationem, forensium actionum meditationem."

† *Vel multo.* Legend. *idque multo*, quod verum unice. Toup. In the MSS. no variation is noted in this passage.

intelligimus ex parvis. Ex oculorum obtutu, ex superciliorum aut remissione aut contractione, ex mœstitia, ex hilaritate, ex risu, ex locutione, ex reticentia, ex contentione vocis et submissione, ex ceteris similibus, facile judicabimus, quid eorum apte fiat, quid ab officio naturaque discrepet. Quo in genere non est incommodum, quale quidque eorum sit, ex aliis judicare: ut, si quid dedeceat in illis, vitemus ipsi. Fit enim nescio quo modo, ut magis in aliis cernamus,* quam in nobismet ipsis, si quid delinquitur. Itaque facillime corriguntur in discendo, quorum vitia imitantur, emendandi caussa, magistri.

Nec vero alienum est, ad ea eligenda, quæ dubitationem afferunt, adhibere doctos homines, vel etiam usu peritos, et, quid iis de quoque officii genere placeat, exquirere. Major enim pars eo fere deferri solet, quo a natura ipsa deducitur:† in quibus videndum est, non modo quid quisque

CHAPTER XLI.

* *Aliis cernamus.* Hor. l. i. Sat. 3. v. 23.

† *Natura ipsa deducitur. We must expect the greater part of men to be led blindly and mechanically by their predominant passions.* It must be observed that J. F. Heusinger considers this interpretation as not reconcileable with the remainder of the paragraph, but without explaining in what respect they clash. He interprets the sentence "alio nos ducunt ea quæ sequuntur," *that the majority of mankind approve that which Nature herself prescribes; and that therefore, although individuals may err, any general deviation from a right opinion on any duty can hardly be expected.* This sentence appears to interrupt the train of argument, and may possibly have been an annotation, introduced into the text from the margin.

loquatur, sed etiam quid quisque sentiat, atque etiam, qua de caussa quisque sentiat. Ut enim pictores, et ii, qui signa fabricantur, et vero etiam poëtæ, suum quisque opus a vulgo considerari vult; ut, si quid reprehensum sit a pluribus, id corrigatur: hique et secum, et cum aliis, quid in eo peccatum sit, exquirunt: sic aliorum judicio permulta nobis et facienda, et non facienda, et mutanda, et corrigenda sunt.

Quæ vero more agentur institutisque civilibus, de iis nihil est præcipiendum. Illa enim ipsa præcepta sunt. Nec quemquam hoc errore duci oportet, ut, si quid Socrates, aut Aristippus* contra morem consuetudinemque civilem fecerint, locutive sint, idem sibi arbitretur licere. Magnis illi et divinis bonis hanc licentiam assequebantur. Cynicorum vero ratio tota est ejicienda. Est enim inimica verecundiæ, sine qua nihil rectum esse potest, nihil honestum.

Eos autem, quorum vita perspecta in rebus honestis atque magnis est, bene de re publica sentientes, ac bene meritos, aut merentes, sic, ut

* *Aut Aristippus.* As the verb following is plural, Bishop Pearce proposed to change the conjunction into *et*, but it does not appear that he had the authority of any MS. Some instances appear of two nouns in the singular, joined by *aut*, governing a plural verb. De Or. ii. 4. "Ut ne Sulpicius familiaris meus, aut Cotta plus quam ego apud te valere videantur." In some MSS. indeed *videatur* is found. Sulpicius ad Cic. 1. iv. Ep. 5. "Quid est quod tu aut illa cum fortuna, hoc nomine, queri possiti ?" Aristippus had been a disciple of Socrates; he was a native of Cyrene, and founded the sect named the *Cyrenaic*, to which was imputed a strong tinge of Epicureanism.

aliquo honore aut imperio affectos, observare et colere debemus: tribuere etiam multum senectuti: cedere iis, qui magistratum habebunt: habere dilectum civis, et peregrini: in ipsoque peregrino, privatimne, an publice venerit. Ad summam, ne agam de singulis, communem totius generis hominum conciliationem et consociationem colere, tueri, servare debemus.

CAP XLII. *De quæstibus, qui liberales habendi, qui sordidi. Agriculturæ laudes.*

JAM de artificiis et quæstibus, qui liberales habendi, qui sordidi sint, hæc fere accepimus. Primum improbantur ii quæstus, qui in odia hominum incurrunt: ut portitorum, ut feneratorum.* Illiberales autem et sordidi quæstus mercenariorum omnium, quorum operæ, non quorum artes emuntur. Est enim in illis ipsa merces auctoramentum servitutis. Sordidi etiam putandi, qui

CHAPTER XLII.

* *Portitorum ut feneratorum.* By the former term may be understood *inferior collectors of the public revenue*; of the same class, probably, as the persons whom the New Testament (as in Matt. ix. 10.) denominates τελῶναι; translated, *publicans;* and who may be supposed to be every where unpopular. But the real *publicani*, the farmers general, were Roman knights, persons on whom high rank, and generally, the possession of wealth, conferred respect. *Feneratores;* those who make a trade of advancing money to the indigent, and who must necessarily proportion the rate of interest demanded to the risk they run. This class of men will, of course, in all ages, incur popular odium.

mercantur a mercatoribus, quod statim vendant. Nihil enim proficiant, nisi admodum mentiantur. Nec vero est quidquam turpius vanitate.* Opificesque omnes in sordida arte versantur.† Nec enim quidquam ingenuum potest habere officina. Minimeque artes eæ probandæ, quæ ministræ sunt voluptatum :

Cetarii, lanii, coqui, fartores, piscatores.

ut ait Terentius.‡ Adde huc, si placet, unguentarios, saltatores, totumque ludum talarium.§

* *Vanitate.* "Vanitas dicitur de omnibus iis rebus quæ habent speciem inanem, a veritate alienam; ut, de mendacio." Ernesti.

† *Opificesque—versantur.* The contempt which Cicero expresses towards artizans and retail-dealers may easily be traced to the exclusively military habits and notions of his countrymen, and to their unhappy practice of domestic slavery. The ideas of labour for a maintenance, and of shop-keeping, had become associated in his mind with those of illiberality, servile birth, and, it seems, habitual falsehood. Unless a retail-dealer gained by the last property, Cicero thought, he could gain by no other. In societies not unduly constituted, no reason can, however, be given, why probity, veracity, and independence of mind, may not as well be the portion of persons in humble life, as of their superiors: or why buying and selling on a small scale, should corrupt the moral principle more than on a larger. It is true that "the wages earned by mechanics, or the price paid to shop-keepers for their wares, are the title which the rich have on them for their services." And it is equally true that their services are the title by which they claim the money of the rich. If they need our money, we need their work or their wares: and if they thought fit to withhold them, who would be the greatest sufferers?

‡ *Terentius.* Eunuch. ii. 2. 26.

§ *Ludum talarium: keepers of gaming-houses, and all who live by play.*

Quibus autem artibus aut prudentia major inest, aut non mediocris utilitas quæritur, ut medicina, ut architectura, ut doctrina rerum honestarum, hæ sunt iis, quorum ordini conveniunt, honestæ. Mercatura autem, si tenuis est sordida putanda est: sin magna et copiosa, multa undique apportans multisque sine vanitate* impartiens, non est admodum vituperanda.† Atque etiam, si satiata quæstu, vel contenta potius, ut sæpe ex alto in portum, ex ipso portu se in agros possessionesque contulit, videtur jure optimo posse laudari. Omnium autem rerum, ex quibus aliquid adquiritur, nihil est agri cultura melius, nihil uberius, nihil dulcius, nihil [homine] libero dignius. De qua, quoniam in Catone majore‡ satis multa diximus, illinc assumes, quæ ad hunc locum pertinebunt.

* *Sine vanitate: without fraud or deception.*

† *Mercatura—vituperanda.* "De mercatura in universum quærimus, probanda an improbanda sit: si probanda est, profecto tam probari institorem opertet qui cymbam onustam pipere, quam qui ingentem onerariam navem ultimis ex regionibus adduxerit." Calcagnini. By the qualifying phrases, *quorum ordini conveniunt; non admodum vituperanda*, it appears that Cicero viewed these as at best but plebeian pursuits. Similar prejudices, even at this day, reign in Germany, and in France. When the established customs of a country exclude from active professions a considerable portion of its citizens, obliging those of energetic minds to seek distinction by the sword, and creating two orders in the state, the one despising, the other envying, and jealous of the other, the political consequences must occasionally be felt.

‡ *Catone majore.* C. 15. and the following chapters. These favourable opinions on agriculture correspond with those of Hor. Epod. 2. Virg. Georg. 11.

CAP. XLIII. *Officiorum comparatio: quænam sint præferenda*

Sed ab iis partibus, quæ sunt honestatis, quem ad modum officia ducerentur, satis expositum videtur. Eorum autem ipsorum, quæ honesta sunt, potest incidere sæpe contentio et comparatio;* de duobus honestis utrum honestius:† qui locus a Panætio est prætermissus. Nam cum omnis honestas manet a partibus quatuor, quarum una sit cognitionis, altera communitatis, tertia magnanimitatis, quarta moderationis:‡ hæ in deligendo officio sæpe inter se comparentur, necesse est.

CHAPTER XLIII.

* *Et comparatio.* On the authority of two MSS., Ernesti omits *et comparatio;* which certainly contribute nothing to the sense. *Contentio* must be understood to imply a careful comparison and examination of the properties of each.

† *Utrum honestius.* On the principle of the Stoics, Paradox. 3, "Pares esse virtutes nec bono viro meliorem, nec forti fortiorem, nec temperanti temperantiorem," that which is *honestum* cannot become *honestius.* There cannot be degrees, according to their theory, in what is right or wrong: but though positively equal, if it happened that the observation of both was impracticable, an examination might be allowed into their relative expedience in point of time, which of the two, under given circumstances, must give way.

‡ *Cognitionis—moderationis.* 1st, *Cognitio*, or *prudence.* 2d, *Communitas*, *observation of the relations of life*, or *duties to each other; justice.* 3d. *Magnanimitas*, *fortitude.* 4th. *Moderatio*, *temperance.*

Placet igitur, aptiora esse naturæ ea officia quæ ex communitate, quam ea, quæ ex cognitione ducantur: idque hoc argumento confirmari potest, quod, si contigerit ea vita sapienti, ut in omnium rerum affluentibus copiis omnia, quæ cognitione digna sunt, summo otio secum ipse consideret et contempletur; tamen, si solitudo tanta sit, ut hominem videre non possit, excedat e vita. Princepsque omnium virtutum illa sapientia, quam σοφίαν Græci vocant (prudentiam enim, quam Græci φρόνησιν, aliam quamdam intelligimus, quæ est rerum expetendarum fugiendarumque scientia) illa autem sapienta, quam principem dixi, rerum est divinarum et humanarum scientia: in qua continetur deorum et hominum communitas et societas inter ipsos. Ea si maxima est, ut est, certe necesse est, quod a communitate ducatur officium, id esse maximum. Etenim cognitio contemplatioque naturæ manca quodam modo atque inchoata sit, si nulla actio rerum consequatur. Ea autem actio in hominum commodis tuendis maxime cernitur.

Pertinet igitur ad societatem generis humani. Ergo hæc cognitioni anteponenda est. Atque id optimus quisque re ipsa ostendit et judicat. Quis enim est tam cupidus in perspicienda cognoscendaque rerum natura, ut, si ei tractanti contemplantique res cognitione dignissimas, subito sit allatum periculum discrimenque patriæ, cui subvenire opitularique possit, non illa omnia relinquat atque abjiciat, etiam si dinumerare se stellas, aut metiri mundi magnitudinem posse arbitretur? Atque hoc idem in parentis, in amici re aut periculo fecerit. Quibus rebus intelligitur, studiis officiisque scientiæ

præponenda esse officia justitiæ, quæ pertinent ad hominum caritatem, qua nihil homini esse debet antiquius.*

CAP. XLIV. *Studium ad societatem conferendum esse.*

Atque illi, quorum studia vitaque omnis in rerum cognitione versata est, tamen ab augendis hominum utilitatibus et commodis non recesserunt. Nam et erudiverunt multos, quo meliores cives utilioresque rebus suis publicis essent: ut Thebanum Epaminondam Lysis† Pythagoreus, Syracusium Dionem‡ Plato, multique multos: nosque ipsi, quidquid ad rem publicam attulimus, (si modo aliquid attulimus) a doctoribus atque doctrina instructi§ ad eam, et ornati accessimus.

Neque solum vivi atque præsentes studiosos discendi erudiunt atque docent, sed hoc idem etiam

* *Antiquius.* The original meaning of *antiquus*, or *anticus*, (as *coquus*, *cocus*; *sequius*, *secius*; *quotidie*, *cotidie*; *quum* and *cum*) must have been the same as *anterior*, *prior*. *Nihil antiquius est*, therefore simply means, *that nothing should be placed before it—no duty preferred to it.*

CHAPTER XLIV.

† *Lysis.* A native of Tarentum. The golden verses are ascribed to him, which pass under the name of his master.

‡ *Dionem.* Brother-in-law of the elder Dionysius: he expelled the younger from Syracuse. Corn. N. in Vita.

§ *Doctrina instructi.* Cicero takes frequent occasions to express gratitude to his instructors. Orat. c. iii. De Nat. D. l. i. c. 3. Pro Arch. c. vi.

post mortem monumentis litterarum assequuntur. Nec enim locus ullus prætermissus est ab iis, qui ad leges, qui ad mores, qui ad disciplinam rei publicæ pertineret; ut otium suum ad nostrum negotium contulisse videantur.* Ita illi ipsi doctrinæ studiis et sapientiæ dediti, ad hominum utilitatem suam intelligentiam prudentiamque potissimum conferunt. Ob eamque caussam eloqui copiose, modo prudenter, melius est, quam vel acutissime sine eloquentia cogitare: quod cogitatio in se ipsa vertitur, eloquentia complectitur eos, quibuscum communitate juncti sumus.

Atque ut apium examina non fingendorum favorum caussa congregantur, sed, cum congregabilia natura sint, fingunt favos: sic homines, ac multo etiam magis, natura congregati, adhibent agendi cogitandique sollertiam. Itaque nisi ea virtus, quæ constat ex hominibus tuendis, id est ex societate generis humani, attingat cognitionem rerum, solivaga cognitio et jejuna videatur. Itemque magnitudo animi, remota communitate conjunctioneque humana, feritas sit quædam et immanitas. Ita fit, ut vincat cognitionis studium consociatio hominum atque communitas.

Nec verum est, quod dicitur a quibusdam, propter necessitatem vitæ, quod ea, quæ natura desideraret, consequi sine aliis atque efficere non possemus, idcirco initam esse cum hominibus communitatem, et societatem: quod si omnia nobis,

* *Contulisse videantur. Though they themselves lived in privacy, their efforts were directed to fit others for a life of activity.*

quæ ad victum cultumque pertinent, quasi virgula divina, ut aiunt, suppeditarentur; tum optimo quisque ingenio, negotiis omnibus omissis, totum se in cognitione et scientia collocaret. Non est ita. Nam et solitudinem fugeret, et socium studii quæreret; tum docere, tum discere vellet, tum audire, tum dicere. Ergo omne officium, quod ad conjunctionem hominum et ad societatem tuendam valet, anteponendum est illi officio, quod cognitione et scientia continetur.

CAP. XLV. *Communitatis officia modestiæ officiis non esse anteponenda: esse officiorum gradus.*

Illud forsitan quærendum sit, num hæc communitas, quæ maxime est apta naturæ, sit etiam moderationi modestiæque semper anteponenda. Non placet. Sunt enim quædam partim ita fœda, partim ita flagitiosa, ut ea, ne conservandæ quidem patriæ caussa, sapiens facturus sit. Ea Posidonius* collegit permulta, sed ita tætra quædam, ita obscena, ut dictu quoque videantur turpia Hæc igitur non suscipiet rei publicæ caussa; ne res quidem publica pro se suscipi volet. Sed hoc commodius se res habet, quod non potest accidere

CHAPTER XLV.

* *Posidonius.* A disciple of Panætius, and stoic philosopher. He had been among the instructors of Cicero: "Doctissimorum hominum familiaritates quibus semper domus nostra floruit, et principes illi, Diodotus, Philo, Antiochus, Posidonius." De Nat. D. lib. i. c. 3.

tempus, ut intersit rei publicæ, quidquam illorum facerè sapientem.

Quare hoc quidem effectum sit, in officiis deligendis id genus officiorum excellere, quod teneatur hominum societate.* Etenim cognitionem prudentiamque sequitur considerata actio. Ita fit, ut agere considerate pluris sit, quam cogitare prudenter. Atque hæc quidem hac tenus. Patefactus est enim locus ipse, ut non sit difficile in exquirendo officio, quid cuique sit præponendum, videre. In ipsa autem communitate sunt gradus officiorum: ex quibus, quid cuique præstet, intelligi possit: ut prima diis immortalibus, secunda patriæ, tertia parentibus, deinceps gradatim reliquis debeantur.

Quibus ex rebus breviter disputatis intelligi potest, non solum id homines solere dubitare, honestumne, an turpe sit: sed etiam duobus propositis honestis, utrum honestius. Hic locus a Panætio est, ut supra dixi, prætermissus. Sed jam ad reliqua pergamus.

* *Teneatur hominum societate. Our duties which have relation to society.* Pearce conjectures that we should read *tueatur hominum societatem;* but the use of *teneor* in a similar sense occurs lib. xiii. Ep. 29. "Non dubito quin scias in his necessariis qui tibi a patre relicti sunt, me tibi esse vel conjunctissimum, non his modo causis quæ speciem habeant magnæ conjunctionis, sed iis etiam quæ familiaritate et consuetudine teneantur."

M. TULLII CICERONIS

DE OFFICIIS

AD

MARCUM FILIUM.

LIBER SECUNDUS.

ARGUMENTUM.

Hoc Libro, de *utili* agitur, quæ erat altera pars totius de Officiis disputationis constituta. Utile autem est vel opinatum, quod ab honesto discrepat, vel rerum, quod cum honesto est conjunctum et natura confusum, et totum in virtute a Cicerone constituitur. Sed quoniam quæcunque ad vitam hominum tuendam et ad utilitatem nostram pertinent, aut sunt hominum opere perfecta, aut sine eorum auxilio comparari non possunt, hominesque hominibus plurimum obesse et prodesse possunt, relictis omnibus, docet conciliandos esse animos hominum, et ad usus nostros adjungendos: quod quomodo fieri possit non in singulis modo hominibus, sed etiam in multitudine et populo universo, fuse demonstratur; sed ita ut omnis amor atque benevolentia hominum a virtute et honestate

arcessatur, tanquam a justitia, sapientia, liberalitate, fide, humanitate, hospitalitate. Ad utilitatem vero quoniam pertinet etiam valetudo, pecuniæque ablatio, quomodo valetudo sustentetur, et pecunia honeste quæratur, ostendit. In comparatione autem utilitatum, quum vel externa commoda cum commodis corporis, vel corporis commoda cum externis, aut commoda corporis inter se, aut externa cum externis comparentur, non dubium esse pronuntiat quin major utilitas minori sit anteponenda, hac tamen lege ne ab honesto deflectatur.

CAP. I. *Philosophiam unicum esse Ciceronis solatium.*

Quem ad modum officia ducerentur ab honestate, Marce fili, atque ab omni genere virtutis, satis explicatum arbitror libro superiore. Sequitur, ut hæc officiorum genera persequar, quæ pertinent ad vitæ cultum, et ad earum rerum, quibus utuntur homines, facultatem, ad opes, ad copias. In quo* tum quæri dixi, quid utile, quid inutile: tum ex utilibus quid utilius, aut quid maxime utile. De quibus dicere aggrediar, si pauca prius de instituto ac de judicio meo dixero.†

Quamquam enim libri nostri complures non modo ad legendi, sed etiam ad scribendi studium

CHAPTER I

* *In quo* This sentence, ending *maxime utile*, is thought by Facciolati and other editors, to be an interpolation.

† *Si—dixero.* *Si* (from *sit*) in this and similar passages, is not to be understood hypothetically: rather, *when* I have spoken a few prefatory words—

"Si nona diem mortalibus almum
Aurora extulerit." Æn. v. 64. 5.

excitaverunt: tamen interdum vereor, ne quibusdam bonis viris philosophiæ nomen sit invisum, mirenturque, in ea tantum me operæ et temporis ponere. Ego autem quam diu res publica per eos gerebatur,* quibus se ipsa commiserat, omnes meas curas cogitationesque in eam conferebam. Cum autem dominatu unius, omnia tenerentur, neque esset usquam consilio aut auctoritati locus, socios denique tuendæ rei publicæ, summos viros, amisissem; nec me angoribus dedidi, quibus eram confectus, nisi iis restitissem, nec rursum† indignis homine docto voluptatibus.

Atque utinam res publica stetisset, quo cœperat statu, nec in homines non tam commutandarum, quam evertendarum rerum cupidos, incidisset. Primum enim, ut stante re publica facere solebamus, in agendo plus, quam in scribendo, operæ poneremus: deinde ipsis scriptis non ea, quæ nunc, sed actiones nostras mandaremus, ut sæpe fecimus‡ Cum autem res publica, in qua omnis mea cura, cogitatio, opera poni solebat, nulla esset omnino, illæ scilicet litteræ§ conticuerunt, forenses et senatoriæ.

* *Gerebatur.* Al. *regebatur:* which Ernesti prefers.

† *Nec rursum.* The Latin idiom here approaches the English, *nor again:* and the Greek *αὖ καὶ πάλιν·* which also is employed to express, *on the other hand.*

‡ *Sæpe fecimus.* "Scripsi etiam versibus tres libros de temporibus meis, quos jampridem ad te misissem, si esse edendos putassem: sunt enim testes et erunt sempiterni, meritorum tuorum erga me."—Ep. ad Lentul. lib. i. 9. "Eos aut hominum incuria aut vetustas ipsa perdidit." P. Manutius.

§ *Scilicet litteræ.* These two words, Bishop Pearce thinks, have crept in from the margin.

Nihil agere autem cum animus non posset, in his studiis ab initio versatus* ætatis, existimavi, honestissime molestias posse deponi, si me ad philosophiam retulissem. Cui cum multum adolescens discendi caussa temporis tribuissem, postea quam honoribus inservire cœpi, meque totum rei publicæ tradidi; tantum erat philosophiæ loci, quantum superfuerat amicorum et rei publicæ temporis†. Id autem omne consumebatur in legendo; scribendi otium non erat.

CAP. II. *Laudes philosophiæ persequitur. Quid sentiant Academici.*

Maximis igitur in malis hoc tamen boni assecuti videmur, ut ea litteris mandaremus, quæ nec satis erant nota nostris, et erant cognitione dignissima. Quid est enim, per deos, optabilius sapientia? quid præstantius? quid [homini] melius? quid homine dignius? Hanc igitur qui expetunt, philosophi nominantur: nec quidquam aliud est philosophia, si interpretari velis, præter studium

* *Ab initio versatus.* In Cicero's younger days, literature was still a stranger in Rome, and probably in some degree unpopular, as interfering with military pursuits to which the attention of youth was exclusively directed. Hardly a century had elapsed since a Senatus Consultum banished the Greek instructors, called philosophers.

† *Quantum—temporis.* In some early editions, for *temporis*, is found *temporibus:* according to the present reading, which appears in all MSS., the sense may be rendered complete either by supplying the ellipse, *tempori ; quantum temporis superfuerat* tempori *amicorum, et publicæ rei ;* or *rei,— superfuerat* rei *amicorum, et publicæ rei.*

sapientiæ. Sapientia autem est, (ut a veteribus philosophis definitum est) rerum divinarum et humanarum, caussarumque, quibus hæ res continentur, scientia: cujus studium qui vituperat, haud sane intelligo, quidnam sit, quod laudandum putet.

Nam sive oblectatio quæritur animi requiesque curarum; quæ conferri cum eorum studiis potest, qui semper aliquid anquirunt, quod spectet et valeat ad bene beateque vivendum? sive ratio constantiæ virtutisque ducitur;* aut hæc ars est, aut nulla omnino, per quam eas assequamur. Nullam dicere maximarum rerum artem esse, cum minimarum sine arte nulla sit, hominum est parum considerate loquentium, atque in maximis rebus errantium. Si autem est aliqua disciplina virtutis; ubi ea quæretur, cum ab hoc discendi genere discesseris? Sed hæc, cum ad philosophiam cohortamur, accuratius disputari solent: quod alio quodam libro† fecimus. Hoc autem tempore tantum nobis declarandum fuit, cur orbati rei publicæ muneribus ad hoc nos studium potissimum contulissemus.

CHAPTER II.

* *Virtutisque ducitur. Rationem alicujus ducere*, has the same meaning as *rationem habere.*

† *Alio quodam libro.* A marginal note in one MS. on this passage intimates that the book thus referred to was inscribed *Hortensius*, unfortunately lost. St. Augustin, in his confessions, lib. iii. c. 4, thus alludes to it: "Ille liber mutavit affectum meum, et ad te ipsum, Domine, mutavit preces meas; et vota, ac desideria mea fecit alia."

Occurritur* autem nobis, et quidem a doctis et eruditis, quærentibus, satisne constanter,† facere videamur, qui, cum percipi nihil posse dicamus, tamen et aliis de rebus disserere soleamus, et hoc ipso tempore præcepta officii persequamur. Quibus vellem satis cognita esset nostra sententia. Non enim sumus ii, quorum vagetur animus errore, nec habeat unquam, quid sequatur. Quæ enim esset ista mens, vel quæ vita potius, non modo disputandi, sed vivendi ratione sublata? Nos autem, ut ceteri‡ alia certa, alia incerta esse dicunt, sic ab his dissentientes, alia probabilia, contra alia dicimus.

Quid est igitur, quod me impediat, ea quæ mihi probabilia videantur, sequi? quæ contra, improbare: atque affirmandi arrogantiam vitantem, fugere temeritatem, quæ a sapientia dissidet plurimum? Contra autem omnia disputatur a nostris, quod hoc ipsum probabile elucere non possit, nisi ex utraque parte, caussarum esset facta contentio. Sed hæc explanata sunt in Academicis nostris satis, ut arbitror, diligenter. Tibi autem, mi Cicero, quanquam in antiquissima nobilissimaque philosophia,§ Cratippo auctore, versaris, iis

* *Occurritur: it is objected.*

† *Satisne constanter. With a due regard to consistency.*

‡ *Ut ceteri.* "Ordo sermonis perturbatior est et obscurus amphibologiâ. Sic ordinari potest: Nos dissentientes ab his, nemque Stoicis, qui alia dicunt esse certa, alia incerta, sicut et ceteri academici dissentiunt, dicimus alia probabilia, alia improbabilia." Erasm.

§ *Philosophia.* The Peripatetic sect; to whose tenets those embraced by Cicero, though not identically the same, nearly approached—*finitima vestris.*

simillimo, qui ista præclara pepererunt: tamen hæc nostra, finitima vestris, ignota esse nolui. Sed jam ad instituta pergamus.

CAP. III. *Quidquid honestum sit, idem esse utile. Quantas utilitates afferat societas.*

QUINQUE igitur rationibus* propositis officii persequendi, quarum duæ ad decus honestatemque pertinent; duæ ad commoda vitæ, copias, opes, facultates; quinta ad eligendi judicium, si quando ea, quæ dixi, pugnare inter se viderentur; honestatis pars confecta est, quam quidem tibi cupio esse notissimam. Hoc autem, de quo nunc agimus, id ipsum est, quod utile appellatur. In quo lapsa consuetudo deflexit de via, sensimque eo deducta est, ut honestatem ab utilitate secernens et constitueret, honestum esse aliquid, quod utile non esset, et utile, quod non honestum: qua nulla pernicies major hominum vitæ potuit afferri.

Summa quidem auctoritate philosophi, severe sane atque honeste, hæc tria genera confusa,† cogitatione distinguunt.‡ Quidquid enim justum

CHAPTER III.

* *Quinque—rationibus.* Vide lib. i. c. 3.

† *Confusa.* "Quia proprie unam rem efficiunt, confusa dicuntur." Ernesti. *Hoc de quo loquimur decorum totum illud quidem est cum virtute confusum*, i. 27.

‡ *Distinguunt.* Philosophers of the highest reputation viewing that which is just and honorable, as in truth inseparable from that which is useful, still admit that in idea, and merely as a subject of reflection, they may be disjoined.

sit, id etiam utile esse censent: itemque quod honestum, idem justum. Ex quo efficitur, ut, quidquid honestum sit, idem sit utile. Quod qui parum perspiciunt, hi sæpe versutos homines et callidos admirantes, malitiam sapientiam judicant. Quorum error eripiendus est, opinioque omnis ad eam spem* traducenda, ut honestis consiliis justisque factis, non fraude et malitia se intelligant ea, quæ velint, consequi posse.

Quæ ergo ad vitam hominum tuendam pertinent, partim sunt inanima, ut aurum, argentum, ut ea, quæ gignuntur e terra, ut alia generis ejusdem: partim animalia, quæ habent suos impetus et rerum appetitus. Eorum autem alia rationis expertia sunt, alia ratione utentia. Expertes rationis, equi, boves, reliquæ pecudes [apes] quarum opere efficitur aliquid ad usum hominum atque vitam. Ratione autem utentium duo genera ponunt, deorum unum, alterum hominum. Deos placatos pietas efficiet et sanctitas: proxime autem et secundum deos, homines hominibus maxime utiles esse possunt. Earumque item rerum, quæ noceant et obsint, eadem divisio est. Sed quia deos nocere non putant, his exceptis, homines hominibus obesse plurimum, arbitrantur. Ea enim ipsa, quæ inanima diximus, pleraque sunt hominum operis effecta, quæ nec haberemus, nisi manus et ars accessisset: nec his sine hominum administratione uteremur. Neque enim

* *Ad eam spem. Not to hope for success by fraudulent and knavish practices, but by observing the rules of honour and honesty.*

valetudinis curatio, neque navigatio, neque agri cultura, neque frugum fructuumque reliquorum perceptio et conservatio sine hominum opera ulla esse potuisset.

Jam vero et earum rerum, quibus abundaremus, exportatio, et earum, quibus egeremus, invectio, certe nulla esset, nisi his muneribus homines fungerentur. Eademque ratione nec lapides e terra exciderentur ad usum nostrum necessarii,

Nec ferrum, æs, aurum, argentum effoderetur
penitus abditum,

sine hominum labore et manu.

CAP. VI. *Quibus rebus homines hominibus prosint.*

Tecta vero, quibus et frigorum vis pelleretur, et calorum molestiæ sedarentur, unde aut initio generi humano dari potuissent, aut postea subveniri,* si aut vi tempestatis, aut terræ motu, aut

CHAPTER IV.

* *Subveniri.* In several MSS., *subvenire:* Facciolati substitutes *restitui;* but it is believed merely on conjecture. The present reading is found in MSS. of the best authority. In other writers of pure latinity, as well as in Cicero, verbs neuter occasionally assume a passive form as, *adrideri, adsurgi, circumplaudi, circumsonari, decedi, imperari, invideri, obstrepi, offici, plaudi.* Scheller observes that this sentence is capable of two constructions: either, *tecta postea subveniri potuissent; houses may afterwards be put in repair:*— or, by disjoining *tecta*, and *subveniri*, that *iis*, and *potuisset*, may be understood. He leans to the former opinion.

vetustate cecidissent, nisi communis vita ab hominibus harum rerum auxilia petere didicisset? Adde ductus aquarum, derivationes fluminum, agrorum irrigationes, moles oppositas fluctibus, portus manu factos, quæ unde sine hominum opere habere possemus? Ex quibus, multisque aliis perspicuum est, qui fructus quæque utilitates ex rebus iis, quæ sunt inanima, percipiantur, eas nos nullo modo sine hominum manu atque opera capere potuisse. Qui denique ex bestiis fructus, aut quæ commoditas, nisi homines adjuvarent, percipi posset? Nam et qui principes inveniendi* fuerunt, quem ex quaque belua usum habere possemus, homines certe fuerunt: nec hoc tempore sine hominum opera aut pascere eas, aut domare, aut tueri, aut tempestivos fructus ex his capere possemus: ab eisdemque et eæ, quæ nocent, interficiuntur: et quæ usui possunt esse, capiuntur.

Quid enumerem artium multitudinem, sine quibus vita omnino esse potuisset? Quis enim ægris subveniret, quæ esset oblectatio valentium, qui victus, aut cultus, nisi tam multæ nobis artes ministrarent, quibus rebus exculta hominum vita tantum distat a victu et cultu bestiarum? Urbes vero sine hominum cœtu non potuissent nec ædificari, nec frequentari: ex quo leges moresque constituti, tum juris æqua descriptio certaque vivendi disciplina. Quas res et mansuetudo ani-

Lambinus considers the passage as probably containing some as yet undetected error.

* *Principes inveniendi. Those who first discovered.*

morum consecuta, et verecundia est; effectumque, ut esset vita munitior; atque ut dando et accipiendo, mutuandisque facultatibus et commodandis nulla re egeremus.

CAP. V. *Homines hominibus et obesse plurimum: quidque officii inde deducendum.*

Longiores hoc loco sumus, quam necesse est. Quis est enim, cui non perspicua sint illa, quæ pluribus verbis a Panætio commemorantur, neminem neque ducem belli, nec principem domi, magnas res et salutares sine hominum studiis gerere potuisse? Commemoratur ab eo Themistocles, Pericles, Cyrus, Agesilaus, Alexander; quos negat sine adjumentis hominum tantas res efficere potuisse. Utitur in re non dubia testibus non necessariis. Atque ut magnas utilitates adipiscimur conspiratione hominum atque consensu; sic nulla tam detestabilis pestis est, quæ non homini ab homine nascatur. Est Dicæarchi* liber de interitu hominum, Peripatetici magni et copiosi: qui collectis ceteris caussis, eluvionis, pestilentiæ, vastitatis, beluarum etiam repentinæ multitudinis, quarum impetu docet quædam hominum genera esse consumta; deinde comparat, quanto plures deleti sunt homines hominum

CHAPTER V.

* *Dicæarchi.* A native of Messina, and disciple of Aristotle. Diog Laert. iii. 4. Of his numerous writings, some still remain.

impetu, id est, bellis aut seditionibus, quam omni reliqua calamitate.

Cum igitur hic locus nihil habeat dubitationis, quin homines plurimum hominibus et prosint, et obsint; proprium hoc statuo esse virtutis conciliare animos hominum et ad usus suos adjungere. Itaque, quæ in rebus inanimis, quæque in tractatione beluarum fiunt utiliter ad hominum vitam, artibus ea tribuuntur operosis: hominum autem studia ad amplificationem nostrarum rerum promta ac parata, virorum præstantium sapientia et virtute excitantur.

Etenim virtus* omnis tribus in rebus fere vertitur: quarum una est in perspiciendo, quid in quaque re verum, sincerumque sit, quid consentaneum cuique, quid consequens, ex quo quæque gignantur, quæ cujusque rei caussa sit: alterum† cohibere‡ motus animi turbatos, quos Græci πάθη

* *Etenim virtus.* From these words to the end of the chapter, Facciolati considers as an interpolation. Virtue had already been divided, not into three, but into four, provinces: although the words are Ciceronian, the construction, he thinks, is not. To this opinion, J. M. Heusinger assents.

† *Alterum—tertium.* Regularly *altera*, *tertia*. But instances are found of neuters in a similar construction: ch. 22, of the preceding book. "Quamquam hæc quidam res non solum ex domestica est ratione, attingit enim bellicam, quoniam vi manuque confecta est, sed tamen id ipsum gestum est," &c.—Liv. 43. 17. "Ne quis ullam rem in bellum magistratibus Romanis conferret præterquam quod senatus censuisset."

‡ *Cohibere.* On this construction, Facciolati also observes, that it would have been more consistent with the preceding, *una res est in perspiciendo*, to have used *in cohibendo;*

nominant; appetitionesque, quas illi ὁρμὰς, obedientes efficere rationi: tertium, iis, quibus cum congregamur, uti moderate et scienter, quorum studiis ea, quæ natura desiderat, expleta cumulataque habeamus; per eosdemque, si quid importetur nobis incommodi, propulsemus, ulciscamurque* eos, qui nocere nobis conati sunt, tantaque pœna afficiamus, quanta æquitas humanitasque patitur.

CAP. VI. *Magnam esse vim fortunæ: quonam modo studia hominum concilianda.*

Quibus autem rationibus hanc facultatem assequi possimus, ut hominum studia complectamur eaque teneamus, dicemus, neque ita multo post: sed pauca ante dicenda sunt. Magnam vim esse in fortuna in utramque partem, vel secundas ad

and he infers as not improbable, that the interpolator was the same person who in lib. i. c. 39., had introduced "Modus autem est optimus, decus ipsum tenere."

* *Ulciscamurque.* The very purpose for which society is instituted, is to protect the innocent from aggression. The assertion of a right retained by individuals to punish, and much more to inflict that punishment from motives of revenge, is therefore equally ill-founded and dangerous.—Ill-founded, because, on entering into society, we surrendered that right; and dangerous, because we should confer on individuals already sufficiently biassed in their own favour, at a moment of irritation, the power to judge and apportion the punishment to be inflicted on their enemies; which, if excessive, on our own principles, gives the latter an equal right to visit those, who were first injured, with punishment equal to that excess; of the just amount of which they also are to be sole judges.

res, vel adversas, quis ignorat? Nam et cum prospero flatu ejus utimur, ad exitus pervehimur optatos: et cum reflavit, affligimur. Hæc igitur ipsa fortuna ceteros casus rariores habet, primum ab inanimis procellas, tempestates, naufragia, ruinas, incendia: deinde a bestiis ictus, morsus, impetus. Hæc ergo, ut dixi, rariora.

At vero interitus exercituum,* ut proxime trium, sæpe multorum; clades imperatorum, ut nuper summi ac singularis viri;† invidiæ præterea multitudinis, atque ob eas bene meritorum sæpe civium expulsiones, calamitates, fugæ: rursusque secundæ res, honores, imperia, victoriæ, quamquam fortuita sunt, tamen sine hominum opibus et studiis neutram in partem effici possunt. Hoc igitur cognito, dicendum est, quonam modo hominum studia ad utilitates nostras allicere atque excitare possimus. Quæ si longior fuerit oratio, cum magnitudine utilitatis comparetur. Ita fortassis etiam brevior videbitur.

CHAPTER VI.

* *Interitus—trium.* The three signal defeats to which allusion is here made, are, probably, 1. That of Pharsalia. 2. That in Africa, of the army commanded by Scipio. 3. That in Spain, of the army under the younger Pompeys. These events are considered as fortuitous; and yet each of them was the inevitable consequence of the preceding chain of events: the word *fortuna* can bear no other meaning than the speaker's ignorance of the causes leading and contributing to a certain event.

† *Singularis viri.* In Brut. c. 85. Cicero has designated Cato of Utica, *summum et singularem virum.* In this instance, he probably means Pompey.

Quæcumque igitur homines homini tribuunt ad eum augendum atque honestandum, aut benevolentiæ gratia* faciunt, cum aliqua de caussa quempiam diligunt: aut honoris, si cujus virtutem suspiciunt, quemque† dignum fortuna quam amplissima putant: aut cui fidem habent, et bene rebus suis consulere arbitrantur: aut cujus opes metuunt: aut contra, a quibus aliquid exspectant: ut cum reges, popularesve homines largitiones aliquas proponunt: aut postremo, pretio ac mercede ducuntur: quæ sordidissima est illa quidem ratio et inquinatissima, et iis, qui ea tenentur, et illis, qui ad eam confugere conantur.

Male enim se res habet, cum, quod virtute effici debet, id tentatur pecunia. Sed quoniam non numquam hoc subsidium necessarium est: quem ad modum sit utendum eo, dicemus, si prius iis de rebus, quæ virtuti propiores sunt, dixerimus. Atque etiam subjiciunt se homines imperio alterius et potestati de caussis pluribus. Ducuntur enim aut benevolentia, aut beneficiorum magnitudine, aut dignitatis præstantia, aut spe, sibi id utile futurum, aut metu, ne vi parere cogantur, aut spe largitionis promissisque capti: aut postremo, ut

* *Benevolentiæ gratia.* Six motives are assigned for the services which men yield to each other. The first and fourth, benevolence and fear, are treated in chap. vii. and viii.: the second and third motives, arising from honour and fidelity, are treated in the successive chapters from ix. to xiv.: the fifth and sixth motives, liberality and corruption, from chapters xv. to xxiv. *Pearce.*

† *Quemque.* Facciolati and Ernesti conjecture, *eumque.*

sæpe in nostra re publica videmus,* mercede conducti.

CAP. VII. *Nihil periculosius esse quam metui; nihil utilius quam amari.*

Omnium autem rerum nec aptius est quidquam ad opes tuendas ac tenendas, quam diligi, nec alienius, quam timeri. Præclare Ennius:

> Quem metuunt, odere: quem quisque odit,
> periisse expetit.

Multorum autem odiis nullas opes posse obsistere, si antea fuit ignotum, nuper est cognitum. Nec vero hujus tyranni solum, quem armis oppressa pertulit civitas, paretque cum maxime mortuo,† interitus declarat, quantum odium hominum valet ad pestem; sed reliquorum similes exitus tyrannorum, quorum haud fere quisquam talem interitum effugit. Malus est enim custos diuturnitatis metus, contraque benevolentia fidelis vel ad perpetuitatem.

* *Videmus.* Again, both conjecture, *vidimus;* in which they are supported by one MS.

CHAPTER VII.

† *Paretque—mortuo.* These five words are not found in many MSS. and early editions: where found, they are variously written. Whether they be genuine or not, must therefore be in doubt. They probably refer to the obedience paid after Cæsar's death, not only to his real mandates, but to some produced in his name by M. Antony which were generally supposed to be forgeries.

Sed iis, qui vi oppressos imperio coërcent, sit sane adhibenda sævitia, ut heris in famulos, si aliter teneri non possunt. Qui vero in libera civitate ita se instruunt, ut metuantur, his nihil potest esse dementius. Quamvis enim demersæ sint leges alicujus opibus, quamvis timefacta* libertas, emergunt tamen hæc aliquando aut judiciis tacitis, aut occultis de honore suffragiis.† Acriores autem morsus sunt intermissæ libertatis, quam retentæ.‡ Quod igitur latissime patet, neque

* *Timefacta.* In many valuable MSS., and early editions, *tremefacta;* which reading Facciolati prefers.

† *Judiciis—suffragiis.* Our acquaintance with the history of the times is too defective to allow us to pronounce what were these intimations silently given, and what these secret suffrages, to which our author alludes, as occasionally testifying the public aversion to usurpers: that such symptoms appeared, cannot be doubted. Curio, the personal enemy of Cæsar, was received with applauses at the theatre, when both Pompey and Cæsar, then in alliance, were hissed. Cæsetius Flavus, and Epidius Marullus, who were among Cæsar's most violent opponents, became candidates for the consulate during his sway, and received a considerable number of votes. After his death, the games given by Brutus were thronged by the people, and much applauded, though he himself was absent, and though M. Antony was then all-powerful in Rome. Other circumstances might be named, indicating the public opinion, but the greater number, and those to which Cicero may in particular have alluded, have probably not been recorded by history.

‡ *Acriores—retentæ.* At the time this remark was penned, as applied to the Romans themselves, it was warranted by the fact. The attempt to subject them to despotic sway, [illegible]ot been successful; but in the next generation, it be[illegible]vident that freedom does not always retain this elas-

ad incolumitatem solum, sed etiam ad opes et potentiam valet plurimum, id amplectamur, ut metus absit, caritas retineatur: ita facillime, quæ volemus, et privatis in rebus, et in re publica consequemur. Etenim, qui se metui volent, a quibus metuentur, eosdem metuant ipsi, necesse est.

Quid enim censemus,* superiorem illum Dionysium, quo cruciatu timoris angi solitum, qui cultros metuens tonsorios,† candente carbone adurebat capillum? Quid? Alexandrum Pheræum, quo animo vixisse arbitramur? qui, ut scriptum legimus, cum uxorem Theben admodum deligeret, tamen ad eam ex epulis in cubiculum veniens, barbarum,

tic force, this vigour of Antæus. The descendants of her most ardent votaries, under another system, became as submissive slaves. During the rule of Augustus, among the consuls is numbered M. T. Cicero, to whom this treatise is addressed.

* *Quid enim censemus.* In more than one instance, our author has employed a similar construction. Pro Rosc. Am. 17. "Quid censes, hunc ipsum S. Roscium, quo studio —esse?" De Or. i. 17. "Quid censes,—qualem illum oratorem futurum?"

† *Tonsorios.* "Tonsorum metu, tondere filias suas docuit. Quarum, postquam adultæ ætati appropinquabant, manibus ferrum non ausus committere, instituit ut candentium juglantium putaminibus, barbam sibi et capillum adurerent." Val. Max. lib. ix. c. 13. In narrating the same circumstances, Tusc. v. 20., Cicero says, "instituitque ut—barbam sibi et capillum adurerent." Oudendorp, commenting on Suetonius, Ner. c. 1. notices the passage in the text, and thinks that there is no defect in not naming the beard; *capillus* being, in his opinion, a general term, including hair and beard.

et eum quidem, ut scriptum est, compunctum notis Thraciis,* destricto gladio jubebat anteire; præmittebatque de stipatoribus suis, qui scrutarentur arculas, muliebres, et, ne quod in vestimentis occultaretur telum, exquirerent. O miserum, qui fideliorem et barbarum et stigmatiam putaret, quam conjugem! Nec eum fefellit.† Ab ea est enim ipsa, propter pellicatus suspicionem, interfectus.‡

Nec vero ulla vis imperii tanta est, quæ, premente metu, possit esse diuturna. Testis est Phalaris, cujus est præter ceteros nobilitata crudelitas: qui non ex insidiis interiit, ut is, quem modo dixi, Alexander; non a paucis, ut hic noster: sed in quem universa Agrigentinorum multitudo impetum fecit.§ Quid? Macedones nonne Demetrium‖ reliquerunt, universique se ad Pyr-

* *Thraciis.* "Thraces barbari, apud quos frons stigmatibus compuncta nobilitatis erat insigne; apud alios, servi fugacis indicium." Erasm. The tyrant placed more confidence in these *tattooed* barbarians, than he could in a body-guard composed of Greeks.

† *Eum fefellit.* What is here the ellipse? Some editors insert *opinio*, but without sufficient warrant of MSS. In Toup's opinion, *animus;* in the Heusingers', *Thebe*, or *conjux*, is the nominative which should be supplied. Quintil. iv. "Ne fefellisse in his videar principem." Ep. ad Div. iv. 2. 6. "Quantum nos fefellerit (Cæsar) vides."

‡ *Interfectus.* With the aid of her brothers. Plut. Pelop. Diod. Sic. xiv. She was the daughter of Jason, named in the 30th chapter of the preceding book.

§ *Impetum fecit.* Phalaris, tyrant of Agrigentum, was stoned to death in a sudden tumult. This happened about the 32d Olympiad. Val. Max. iii. 3. 2.

‖ *Demetrium.* Poliorcetes, son of Antigonus, to whom

rhum contulerunt? Quid? Lacedæmonios, injuste imperantes, nonne repente omnes fere socii deseruerunt,* spectatoresque se otiosos præbuerunt Leuctricæ calamitatis?

CAP. VIII. *Reipublicæ Romanæ exemplo ostendit quibus mediis caritas conciliari queat.*

EXTERNA libentius in tali re, quam domestica, recordor. Verum tamen quam diu imperium populi Romani beneficiis tenebatur, non injuriis; bella aut pro sociis, aut de imperio gerebantur; exitus erant bellorum aut mites, aut necessarii;† regum, populorum, nationum portus erat et refugium, senatus; nostri autem magistratus imperatoresque ex hac una re maximam laudem capere studebant, si provincias, si socios æquitate et fide defendissent. Itaque illud patrocinium orbis terræ verius, quam imperium, poterat nominari. Sensim hanc consuetudinem et disciplinam jam antea minuebamus: post vero Sullæ victoriam penitus amisimus. Desitum est enim videri quidquam in socios ini-

the Asiatic provinces were assigned. Justin. xvi. 2. Plut. in the lives of Pyrrhus, and Demetrius.

* *Socii deseruerunt.* Corn. Nep. Epam. vi.

CHAPTER VIII.

† *Aut necessarii.* In those cases where the Romans transgressed the rules of common humanity to the fallen foe, Cicero wishes it to be understood that they were actuated by some motive of policy, or, as he terms it, of necessity. But is not this an aggravation of their crime?

quum, cum exstitisset in cives tanta crudelitas. Ergo in illo secuta est honestam caussam non honesta victoria.* Est enim ausus dicere, hasta posita,† cum bona in foro venderet et bonorum virorum, et locupletium, et certe civium, prædam se suam vendere.

Secutus est, qui in caussa impia, victoria etiam fœdiore, non singulorum civium bona publicaret, sed universas provincias regionesque uno calamitatis jure‡ comprehenderet. Itaque vexatis et perditis exteris nationibus, ad exemplum amissi imperii§ portari in triumpho Massiliam‖ vidimus,

* *Non honesta victoria.* "Postquam L. Sulla, armis recepta Rep., bonis initiis malos exitus habuit." Sall. Cat. c. 11.

† *Hasta posita.* The sign of these auctions of effects seized by the military, was a spear fixed in the ground: hence *hasta subjici*, to be disposed of by auction. The faction which prevailed took this mode of converting into money the effects of the proscribed, and of those who fell in battle.

‡ *Uno calamitatis jure.* Several MSS. and early editions, for *jure*, read *genere.* It is probable that some ancient transcribers, not seeing how the word *jus* could apply to proceedings so nefarious, and productive of such wide-wasting misery, have introduced this alteration. Gronovius interprets *jus* as expressing occasionally no more than the state and condition in which persons were placed. Thus, Verr. iii. 6, "ut eodem jure essent quo fuissent." Agrar. iii. 2. "Libera meliore jure sunt quam serva." In the sense that the conqueror is said *dare jura* to the conquered. Cæsar may here be said, *universas provincias uno calamitatis jure comprehendere.*

§ *Imperii.* As an image of our servitude; a proof that [the Re]public no longer existed.

‖ [*Ma*]*ssiliam:* a model or representation of Marseilles,

et ex ea urbe triumphari, sine qua numquam nostri imperatores ex Transalpinis [bellis] triumpharunt. Multa præterea commemorarem nefaria in socios, si hoc uno quidquam sol vidisset indignius. Jure igitur plectimur. Nisi enim multorum impunita scelera tulissemus, numquam ad unum tanta pervenisset licentia: a quo quidem rei familiaris ad paucos, cupiditatum ad multos improbos venit hereditas.

Nec vero umquam bellorum civilium semen et caussa deerit, dum homines perditi hastam illam cruentam et meminerint, et sperabunt. Quam P. Sulla* cum vibrasset, dictatore propinquo suo, idem sexto tricesimo anno post a sceleratiore hasta non recessit. Alter autem, qui in illa dictatura scriba fuerat, in hac fuit quæstor urbanus.† Ex quo debet intelligi, talibus præmiis propositis,‡ numquam defutura bella civilia. Itaque parietes modo urbis stant et manent, iique ipsi jam extre-

in ivory, was carried in Cæsar's triumphal procession. In every change of fortune, its citizens had been faithful to their alliance with Rome; and during the civil wars, anxiously wished to remain neutral. This did not answer Cæsar's purpose: he besieged, and after a vigorous defence, took the town by capitulation. Cæs. de Bell. Civ. i. 34. ii. 20. Vell. Pat. ii. 56. 2.

* *P. Sulla.* Nephew of L. Corn. Sylla, the dictator.

† *Quæstor urbanus.* This was probably P. Sylla's brother, named Servius, who had been implicated in the Catilinarian conspiracy.

‡ *Præmiis propositis.* "Hasta Cæsaris multis improbis et spem adfert et audaciam. Viderunt enim ex mendicis fieri repente divites, itaque hastam videre semper cupiunt ii qui nostris bonis imminent." Philip. viii. 3.

ma scelera metuentes; rem vero publicam penitus amisimus. Atque in has clades incidimus (redeundum est enim ad propositum) dum metui, quam cari esse et diligi maluimus. Quæ si populo Romano injuste imperanti accidere potuerunt, quid debent putare* singuli? Quod† cum perspicuum sit, benevolentiæ vim esse magnam, metus imbecillam; sequitur ut disseramus, quibus rebus possimus facillime eam, quam volumus, adipisci cum honore et fide caritatem.

Sed ea non pariter omnes egemus. Nam ad cujusque vitam institutam accommodandum est, a multisne opus sit, an satis a paucis diligi. Certum igitur hoc sit, idque et primum et maxime necessarium, familiaritates habere fidas amantium nos amicorum, et nostra mirantium. Hæc enim est una res prorsus, ut‡ non multum differat inter summos et mediocres viros; eaque utrisque est prope modum comparanda. Honore, et gloria, et benevolentia civium fortasse non æque omnes

* *Debent putare.* This seems a singular construction, and would be thought, in the composition of an Englishman, the idiom of his own tongue. A corrector, on one MSS., has *quid debetur putari.*

† *Quod.* Ernesti would read *quo.* In his Index Lat. he however says, that Cicero often employs *quod*, at the beginning of a sentence, in the sense of *quo; in qua re; ad id quod attinet.*

‡ *Res prorsus ut. Est ut*, appears a Græcism. The ordinary construction would have been, *Hæc una res est in qua non multum differat inter summos et mediocres.* Pro Milone, c. 13. "Ille erat ut odisset."

"———— Hoc tamen est ut
Quærendum videatur, et in discrimen agendum."
Lucret. iii. 726.

egent, sed tamen si cui hæc suppetunt, adjuvant aliquantum cum* ad cetera, tum ad amicitias comparandas.

CAP. IX. *Quibus rebus gloria et fides comparentur.*

Sed de amicitia alio libro dictum est, qui inscribitur Lælius.† Nunc dicamus de gloria,‡ quamquam ea quoque de re duo sunt nostri libri; sed attingamus, quando quidem ea in rebus majoribus administrandis adjuvat plurimum. Summa igitur et perfecta gloria constat ex tribus his: si diligit multitudo, si fidem habet, si cum admiratione quadam honore dignos putat. Hæc autem, si est simpliciter breviterque dicendum, quibus rebus

* *Cum.* The ordinary reading is *tum:* though *cum* appears but in one MS. and had been adopted but by one preceding editor, Gernhard has admitted it, apparently with reason. Cicero's intention is not to reckon the probable acquisition of friends, among the advantages of popularity, but to advert to that solely.

CHAPTER IX.

† *Lælius.* In the second book, *De Divinatione*, Cicero enumerates his works: in that list, the dialogue, *De Amicitia*, and the present, do not appear: both were therefore probably composed at a subsequent period; but the dialogue, previous to the present work.

‡ *Gloria.* In the list mentioned in the preceding note, no mention is made of this work—which was also, in all probability, composed in the intermediate time. In Ep. ad Att. xv. 27. and ad Fam. xvi. 2. it is also named; but has not been preserved.

pariuntur a singulis, eisdem fere a multitudine. Sed est alius quoque quidam aditus ad multitudinem, ut in universorum animos tamquam influere possimus.

Ac primum de illis tribus, quæ ante dixi, benevolentiæ* præcepta videamus: quæ quidem beneficiis capitur maxime: secundo autem loco benefica voluntate benevolentia movetur, etiam si res forte non suppetit. Vehementer autem amor multitudinis commovetur ipsa fama et opinione liberalitatis,† beneficentiæ, justitiæ, fidei, omniumque earum virtutum, quæ pertinent ad mansuetudinem morum ac facilitatem. Etenim illud ipsum, quod honestum decorumque dicimus, quia per se nobis placet, animosque omnium natura et specie sua commovet, maximeque quasi perlucet ex eis, quas commemoravi, virtutibus: idcirco illos, in quibus eas virtutes esse remur, a natura ipsa diligere cogimur. Atque hæ quidem caussæ diligendi gravissimæ: possunt enim præterea non nullæ esse leviores.

Fides autem ut habeatur, duabus rebus effici potest: si existimabimur adepti conjunctam cum justitia prudentiam. Nam et iis fidem habemus, quos plus intelligere, quam nos, arbitramur, quosque et futura prospicere credimus, et cum res agatur in discrimenque ventum sit, expedire rem et consilium ex tempore capere posse.‡ Hanc

* *Benevolentiæ.* Scil. *comparandæ.*

† *Opinione liberalitatis.* *By the character of liberality;* as *opinio probitatis* in this chapter; and *justitiæ* in the ‡.

‡ *Consilium—capere.* "Dicitur non qui consulit alium, ... ipse reperit consilium." Erasm.

enim utilem homines existimant, veramque prudentiam. Justis autem et fidis hominibus, id est bonis viris, ita fides habetur,* ut nulla sit in his fraudis injuriæque suspicio. Itaque his salutem nostram, his fortunas, his liberos, rectissime committi arbitramur.

Harum igitur duarum ad fidem faciendam justitia plus pollet: quippe cum ea sine prudentia satis habeat auctoritatis, prudentia sine justitia nihil valeat ad faciendam fidem. Quo enim quis versutior et callidior, hoc invisior et suspectior, detracta opinione probitatis. Quam ob rem intelligentiæ justitia conjuncta, quantum volet, habebit ad faciendam fidem virium; justitia sine prudentia multum poterit; sine justitia nihil valebit prudentia.†

CAP. X. *Quas res admiremur, quasque contemnamus.*

Sed ne quis sit admiratus, cur, cum inter omnes philosophos constet, a meque ipso sæpe dis-

* *Fidis—fides habetur.* This tautological expression, Facciolati thinks, cannot be Cicero's: *hominibus*, and *viris*, in the same sentence, also, appears suspicious. Pearce would correct, *justis autem, id est, bonis viris.* "Justitia —ex qua boni viri nominantur," i. 7.—"Justo homine, eoque quem virum bonum dicimus.' i. 10.

† *Justitia sine—valebit prudentia.* These words, being mere repetition, are deemed spurious by Bishop Pearce.

putatum sit,* qui unam haberet, omnes habere virtutes; nunc ita sejungam, quasi possit quisquam, qui non idem prudens sit, justus esse: alia est illa, cum veritas ipsa limatur† in disputatione, subtilitas; alia, cum ad opinionem communem omnis accommodatur oratio. Quam ob rem, ut vulgus, ita nos hoc loco loquimur, ut alios fortes, alios bonos viros, alios prudentes esse dicamus. Popularibus enim verbis est agendum, et usitatis, cum loquimur de opinione populari, idque eodem modo fecit Panætius. Sed ad propositum revertamur.

Erat igitur ex tribus, quæ ad gloriam pertinerent, hoc tertium, ut cum admiratione hominum, honore ab iis digni judicaremur. Admirantur igitur communiter illi quidem omnia, quæ magna, et præter opinionem suam animadverterunt: separatim autem in singulis, si perspiciunt nec opinata quædam bona. Itaque eos viros suspiciunt, maximisque efferunt laudibus, in quibus existimant se excellentes quasdam, et singulares perspicere virtutes: despiciunt autem eos et contemnunt, in quibus nihil virtutis, nihil animi, nihil nervorum putant. Non enim omnes eos contemnunt, de quibus male existimant. Nam quos improbos, maledicos, fraudulentos putant, et ad faciendam injuriam

CHAPTER X.

* *Disputatum sit.* Particularly Tusc. Q. l. iii. De Fin. lib. v.

† *Limatur.* This metaphor is taken from the trial, the polishing of metals, by means of a file. "Lima superficiem aufert, et quod subter latebat, detegit." Facciolati.

instructos, eos contemnunt quidem neutiquam, sed de his male existimant. Quam ob rem, ut ante dixi, coutemnuntur ii, qui "nec sibi, nec alteri,"* ut dicitur; in quibus nullus labor, nulla industria, nulla cura est.

Admiratione autem afficiuntur† ii, qui anteire ceteris virtute putantur, et cum omni carere dedecore, tum vero iis vitiis, quibus alii non facile possunt obsistere. Nam et voluptates, blandissimæ dominæ, majores partes animi‡ a virtute detorquent; et dolorum cum admoventur faces,§ præter modum plerique exterrentur. Vita, mors, divitiæ, paupertas, omnes homines vehementissime permovent. Quæ qui in utramque partem|| excelso animo magnoque despiciunt, cum aliqua his ampla et honesta res objecta est, totos ad se convertit et rapit. Tum quis non admiretur splendorem pulchritudinemque virtutis?

* *Nec—alteri.* The ellipse is filled up in several ancient editions, though unnecessarily, by *prosunt.* Facciolati suggests, *valent;* which would extend to both good and ill.

† *Admiratione—afficiuntur: attract admiration.*

‡ *Animi.* "Majore ex parte, animum a virtute detorquent." J. M. Heusinger.

§ *Faces.* This is an allusion to the Furies. "Cum dolores, quasi Furiæ, faces intentant." J. M. Heusinger.

|| *In utramque partem.* Either their possession or their absence; so as not to be anxious to retain life or wealth, nor fearful of death or poverty.

CAP. XI. *Benevolentiam, fidem, et admirationem, illa tria quæ proposita sunt ad gloriam, omnia, justitia confici.*

Ergo et hæc animi despicientia admirabilitatem magnam facit: et maxime justitia (ex qua una virtute viri boni appellantur) mirifica quædam* multitudini videtur: nec injuria. Nemo enim justus esse potest, qui mortem, qui dolorem, qui exsilium, qui egestatem timet, aut qui ea, quæ sunt his contraria, æquitati anteponit. Maximeque admirantur eum, qui pecunia non movetur: quod in quo viro perspectum sit, hunc igni spectatum† arbitrantur. Itaque illa tria, quæ proposita sunt ad gloriam, omnia justitia conficit: et be-

CHAPTER XI.

* *Quædam.* On the authority of several MSS. *res* is here introduced by Pearce and Facciolati. The latter observes that if it is not inserted, neither should *quædam.* This does not follow. *Quidam* is often admitted, by the Latin idiom, as τὶς in Greek, without any definite meaning. In the last chapter but one; *alius quoque quidam aditus ad multitudinem.*—"Cognovi præproperam quandam festinationem tuam." Ep. ad Fam. vii. 8. "Virtutem duram, et quasi ferream quandam, esse volunt." On the latter passage, a note of Ernesti's observes, "*quandam* est alienum ab h. l. delevique cum Grævio." It is to be regretted when editors thus tamper with their author's text, on no better ground than their own erroneous notions of improvement.

† *Igni spectatum.* As gold: "Scilicet ut fulvum spectatur in ignibus aurum." Ovid. Trist. lib. i. v. 25.

nevolentiam, quod prodesse vult plurimis; et ob eamdem caussam, fidem: et admirationem, quod eas res spernit et negligit, ad quas plerique inflammati aviditate rapiuntur.

Ac mea quidem sententia omnis ratio atque institutio vitæ adjumenta hominum desiderat: in primisque, ut habeat, quibuscum possit familiares conferre sermones: quod est difficile, nisi speciem præ te boni viri feras. Ergo etiam solitario homini, atque in agro vitam agenti, opinio justitiæ necessaria est: eoque etiam magis, quod eam si non habebunt,* [injusti habebuntur:] nullis præsidiis septi, multis afficientur injuriis.

Atque iis etiam, qui vendunt, emunt, conducunt, locant, contrahendisque negotiis implicantur, justitia ad rem gerendam necessaria est. Cujus tanta vis est, ut ne illi quidem, qui maleficio et scelere pascuntur, possint sine ulla particula justitiæ vivere. Nam qui eorum cuipiam, qui una latrocinantur, furatur aliquid, aut eripit; is sibi ne in latrocinio quidem relinquit locum. Ille autem, qui archipirata dicitur, nisi æquabiliter prædam dispartiat, aut interficiatur a sociis, aut relinquatur. Quin etiam leges latronum esse dicuntur, quibus pareant, quas observent. Itaque propter æquabilem prædæ partitionem et Bardylis,† Illyrius latro, de quo est

* *Habebunt. Habebunt*, and *habebuntur*, have for their nominatives, understood, *solitarius homo*, the man who lives in seclusion, and *vitam agens in agro*, the man resident in the country, but who may still mix in society.

† *Bardylis.* Plutarch, in the life of Pyrrhus, and Diodorus Sic. (lib. xvi.) give to this personage the appellation, not of a robber, but a king. Though Pyrrhus married his

apud Theopompum,* magnas opes habuit, et multo majores Viriathus† Lusitanus, cui quidem etiam exercitus nostri imperatoresque cesserunt: quem C. Lælius,‡ is, qui sapiens usurpatur, prætor fregit, et comminuit, ferocitatemque ejus ita repressit, ut facile bellum reliquis traderet. Cum igitur tanta vis justitiæ sit, ut ea etiam latronum opes firmet atque augeat, quantam ejus vim inter leges et judicia in constituta re publica fore putamus?

daughter, Bircenna, possibly but "thin partitions divided those extremes" in the character of Bardylis, or Bargulus, as he is named in some MSS. and early editions. It is under the latter name, and with a slight variation of character, he is recognized by our immortal bard:

———————*This villain here,*
Being captain of a pinnace, threatens more
Than Bargulus, the strong Illyrian pirate.
2d pt. Hen. vi. Act 4. sc. 1.

In the first English translation of Tully's Offices, made by Robert Whytinton, 1533, Dr. Farmer informs us that the present passage is rendered "*Bargulus, a pirate upon the sea of Illiry.*" This accounts for the alias, as well as for the "new vocation," in which Shakspeare makes him labour.

* *Theopompus.* A pupil of Isocrates, who wrote on Grecian history. Corn. Nep. in Alcib. c. 11. Quintil. x. 1. 74.

† *Viriathus.* A Lusitanian shepherd. Heading an insurrection of his countrymen against Roman oppression, he maintained himself 14 years against their power; and fell at length, not by their arms, but by treachery. Flor. ii. 17.

‡ *Lælius.* Prætor, A. U. C. 609. De Amicitia, c. xxv.

CAP. XII. *Cujus rei caussa reges constituti sint, nec non et leges; quæ sit via proxima ad gloriam.*

Mihi quidem non apud Medos solum, ut ait Herodotus,* sed etiam apud majores nostros, justitiæ fruendæ caussa, videntur olim bene morati reges constituti. Nam cum premeretur inops multitudo ab iis, qui majores opes habebant, ad unum aliquem confugiebant, virtute præstantem; qui cum prohiberet injuria tenuiores, æquitate constituenda summos cum infimis pari jure tenebat. Eademque constituendarum legum fuit caussa, quæ regum. Jus enim semper est quæsitum æquabile: neque enim aliter esset jus.

Id si ab uno justo et bono viro consequebantur, erant eo contenti. Cum id minus contingeret, leges sunt inventæ, quæ cum omnibus semper una atque eadem voce loquerentur. Ergo hoc quidem perspicuum est, eos ad imperandum deligi solitos, quorum de justitia magna esset opinio multitudinis. Adjuncto vero, ut iidem etiam prudentes haberentur, nihil erat, quod homines his auctoribus non posse consequi se arbitrarentur. Omni igitur ratione colenda et retinenda justitia est, tum ipsa per sese (nam aliter justitia non esset) tum propter amplificationem honoris et gloriæ. Sed ut pecuniæ

CHAPTER XII.

* *Herodotus.* He relates, lib. 1., by what means Deioces obtained the sovereignty.

non quærendæ solum ratio est, verum etiam collocandæ, quæ perpetuos sumtus suppeditet, nec solum necessarios, sed etiam liberales, sic gloria et quærenda, et collocanda ratione est.*

Quamquam præclare Socrates,† hanc viam ad gloriam proximam et quasi compendiariam dicebat esse, si quis id ageret, ut, qualis haberi vellet, talis esset. Quod si qui simulatione, et inani ostentatione, et ficto non modo sermone, sed etiam vultu, stabilem se gloriam consequi posse rentur, vehementer errant. Vera gloria radices agit, atque etiam propagatur: ficta omnia celeriter, tamquam flosculi, decidunt, nec simulatum potest quidquam esse diuturnum. Testes sunt permulti in utramque partem: sed brevitatis caussa familia contenti erimus una. Ti. enim Gracchus,‡ P. F. tam diu laudabitur, dum memoria rerum Romanarum manebit. At ejus filii,§ nec vivi probabantur bonis, et mortui numerum obtinent jure cæsorum.

* *Ratione est.* As our endeavours to improve our fortunes are not designed merely, that the money acquired should be hoarded, so our endeavours to establish a good reputation should not, if we are successful, there terminate. We should avail ourselves with judgment of that reputation, to attain other valuable objects.

† *Præclare Socrates.* Xenophon. Memorab. lib. ii. Ἀλλὰ συντομωτάτη τε καὶ ἀσφαλεστάτη καὶ καλλίστη ὁδὸς, ὦ Κριτόβουλε, ὅ τι ἂν βούλῃ δοκεῖν ἀγαθὸς εἶναι, τοῦτο καὶ γενέσθαι ἀγαθὸν πειρᾶσθαι.

‡ *Tib. Gracchus.* Who had been twice consul, A. U. C. 576 and 590; had twice triumphed; and had been censor.

§ *Filii.* Engaging in the civil dissensions of their country, in opposition to the senate, each of these brothers was assassinated, at the interval of 13 years. A French Academician, M. Du Bois, in a note which he has given

CAP. XIII. *Quæ prima adolescenti, commendatio ad gloriam.*

Qui igitur adipisci veram gloriam volet, justitiæ fungatur officiis: ea quæ essent, dictum est in libro superiore.* Sed, ut facillime, quales simus, tales esse videamur, etsi in eo ipso vis maxima est, ut simus ii, qui haberi velimus, tamen quædam præcepta danda sunt. Nam si quis ab ineunte ætate habet caussam celebritatis et nominis, aut a patre acceptam (quod tibi, mi Cicero, arbitror contigisse) aut aliquo casu atque fortuna, in hunc oculi omnium conjiciuntur, atque in eum, quid agat, quem ad modem vivat, anquiritur: et

in his translation of this work, observes very coolly of these unfortunate brothers: "C'étoient des brouillons qui avoient tenté par diverses fois, de faire passer des loix pernicieuses, *et dont on fut contraint de se défaire.*" According to his code of morality, therefore, you are justified in putting to death without form of law, all persons who persist in proposing for legislative sanction measures which you deem, or choose to term, pernicious! On this and similar maxims the learned Academician's own countrymen have since acted on a large scale. Had he survived, not improbably he might have been numbered among the victims. Whether the laws proposed by the Gracchi, were of pernicious tendency, or not, at least the private interests of their assassins were deeply affected by them. The frequent recurrence of such crimes, and their impunity, led to the establishment of despotism.

CHAPTER XIII.

* *Libro superiore.* In the 7th and following chapters.

tamquam in clarissima luce versetur, ita nullum obscurum potest nec dictum ejus esse, nec factum. Quorum autem prima æstas propter humilitatem et obscuritatem in hominum ignoratione versatur, hi simul ac juvenes esse cœperunt, magna spectare et ad ea rectis studiis debent contendere: quod eo firmiore animo facient, quia non modo non invidetur illi ætati, verum etiam favetur.

Prima est igitur adolescenti commendatio ad gloriam si qua ex bellicis rebus comparari potest; in qua multi apud majores nostros exstiterunt: semper enim fere bella gerebantur. Tua autem ætas incidit in id bellum, cujus altera pars sceleris nimium habuit, altera felicitatis parum. Quo tamen in bello, cum te Pompeius alæ alteri* præfecisset, magnam laudem et a summo viro, et ab exercitu consequebare equitando, jaculando, omni militari labore tolerando. Atque ea quidem tua laus pariter cum re publica cecidit. Mihi autem hæc oratio suscepta non de te est, sed de genere toto.† Quam ob rem purgamus ad ea, quæ restant.

Ut igitur in reliquis rebus multo majora sunt

* *Alæ alteri.* To each legion were attached two squadrons of horse, which covered its flanks. The command of one of such squadrons was conferred, it seems, by Pompey, on the younger Cicero. He could not have possessed sufficient experience for such a command: and indeed the employment of his time, on which his father compliments him, savours more of the recruit, than the field-officer.

† *De genere toto.* A few MSS. here insert *juvenum*, a gloss probably taken from the margin, which however furnishes the meaning put on it by several interpreters. The Heusingers reject this meaning, and apply this passage to the *recommendatio ad gloriam.*

opera animi, quam corporis: sic eæ res, quas persequimur ingenio ac ratione, gratiores* sunt, quam illæ, quas viribus. Prima igitur commendatio proficiscitur a modestia, tum pietate in parentes, [tum] in suos, benevolentia. Facillime autem, et in optimam partem, cognoscuntur adolescentes, qui se ad claros et sapientes viros, bene consulentes rei publicæ, contulerunt: quibuscum si frequentes sunt, opinionem afferunt populo, eorum fore [se] similes, quos sibi [ipsi] delegerint ad imitandum.

P. Rutilii† adolescentiam ad opinionem et innocentiæ, et juris scientiæ, P. Mucii‡ commendavit domus. Nam L. quidem Crassus, cum esset admodum adolescens, non aliunde mutuatus est, sed sibi ipse peperit maximam laudem ex illa ac-

* *Gratiores.* This reading, which every MS. consulted, seems to confirm, merits an undoubted preference to *graviores*, the Heusingers' reading. The pursuits of young men, by which their characters may be established, are the immediate subject.

† *P. Rutilii.* Consul with Cn. Manlius, A.U.C. 648. A man of high literary attainments and respectable character. Velleius Paterculus (ii. 13.) calls him "non seculi sui, sed omnis ævi optimum." Having attempted to defend the province of Asia Minor from the extortions of the farmers of the revenue, he was himself accused, and condemned to banishment. The remainder of his life was passed in the province which he had endeavoured to protect: the permission to return to Rome, which was offered to him, he declined to accept.

‡ *P. Mucii.* P. Mucius Scævola, who had been consul and Pontifex maximus. He was one of the first who brought into system the Roman law. Lib. iii. c. 2.—Lælius, xxvii.

cusatione nobili* et gloriosa. Et qua ætate qui exercentur, laude affici solent, ut Demosthenem† accepimus, ea ætate L. Crassus ostendit, id se in foro optime jam facere, quod etiam tum poterat domi cum laude meditari.

CAP. XIV. *Quanta sit in oratione vis: in accusando modum esse adhibendum: defensionem esse laudabiliorem.*

Sed cum duplex ratio sit orationis, quarum in altera sermo sit; in altera contentio: non est id quidem dubium, quin contentio orationis majorem vim habeat ad gloriam (ea est enim, quam eloquentiam dicimus) sed tamen difficile dictu est, quanto opere conciliet animos comitas affabilitas-

* *Accusatione nobili.* At the age of 21, L. Crassus instituted a prosecution for corruption and extortion, against C. Papirius Carbo, an orator of established reputation. De Orat. ii. 20.

† *Ut Demosthenem.* The point of resemblance between Demosthenes and Crassus is, that each established his fame as an orator at a peculiarly early age. When the former brought to justice his dishonest guardians, he was but of the age of 18: Crassus was but 19, as is asserted by the author of the dialogue De Oratoribus, attributed to Tacitus, but at most was not more than 21, (De Orat. iii. 74.) when he adventured on the accusation of the most distinguished orator of Rome.—In order to render this sentence more clear, Ruhnken, in his notes on Rutilius Lupus, ii. 108, proposes the transposition of *ea ætate*, before *ut Demosthenem.* The ellipse of *fecisse*, is not unusual with Cicero. *Ut in astrologia, C. Sulpicium audimus; in geometria, S. Pompeium, ipsi cognovimus; multos, in dialecticis; plures, in jure civili*, i. 5.

que sermonis. Exstant epistolæ, et Philippi ad Alexandrum,* et Antipatri ad Cassandrum,† et Antigoni ad Philippum [filium]‡ trium prudentissimorum, (sic enim accepimus,) quibus præcipiunt, ut oratione benigna multitudinis animos ad benevolentiam alliciant, militesque blande appellando deleniant. Quæ autem in multitudine cum contentione habetur oratio; ea sæpe universam excitat. Magna est enim admiratio copiose sapienterque dicentis: quem qui audiunt, intelligere etiam et sapere plus, quam ceteros, arbitrantur. Si vero inest in oratione mixta modestiæ gravitas, nihil admirabilius fieri potest; eoque magis, si ea sunt in adolescente.

Sed, cum sint plura caussarum genera, quæ eloquentiam desiderant, multique in nostra re publica adolescentes et apud judices, et apud senatum, dicendo laudem assecuti sint, maxima est admiratio in judiciis: quorum ratio duplex est. Nam ex accusatione et defensionne constat: quarum

CHAPTER XIV.

* *Alexandrum.* From Philip to his son, Alexander the Great.

† *Ad Cassandrum.* After Alexander's death, Antipater, the father of Cassander, made himself master of Macedon. Two books of epistles left by him are mentioned by Suidas.

‡ *Philippum* [*filium*]. Some MSS. omit *filium:* others have, *Philippi filium.* Who the Antigonus is, by whom these letters were written, is by no means clear. It is true that the general of Alexander, of that name, father of Demetrius Poliorcetes, had a younger son named Philip; to him, possibly, these letters were addressed. Plut. in Demetr.

etsi laudabilior est defensio, tamen accusatio probata persæpe est. Dixi paullo ante de Crasso. Idem fecit adolescens M. Antonius.* Etiam P. Sulpicii† eloquentiam accusatio illustravit, cum seditiosum et inutilem civem, C. Norbanum, in judicium vocavit.

Sed hoc quidem non est sæpe faciendum, nec umquam nisi aut rei publicæ caussa, ut ii, quos ante dixi, aut ulciscendi, ut duo Luculli;‡ aut patrocinii, ut nos pro Siculis;§ *pro Sardis, pro M. Albucio Julius.*|| In accusando etiam M. Aquillio L. Fufii¶ cognita industria est. Semel igitur, aut non sæpe certe. Sin erit, cur faciendum

* *M. Antonius.* M. Antony, the Triumvir's grandfather: he accused Cn. Papirius Carbo. Ep. ix. 21.

† *P. Sulpicii.* Lib. ii. de Orat. c. 25. Læl. c. 1.

‡ *Duo Luculli.* Servilius had accused the father of M. and L. Lucullus of extortion. They accused Servilius of peculation, Lib. iv. Acad. c. 1. Plut. in vita.

§ *Pro Siculis.* Alluding to his accusation of Verres. Cicero had been quæstor of Sicily.

|| *Pro—Julius.* The words in Italics are found uniformly in all MSS., yet they contain probably more than one error. Julius Cæsar Strabo, as the patron of the Sards, accused of extortion, Titus, not Marcus Albutius, who had governed the island as prætor. Brut. 26. Fin. i. 3. The error in this prænomen has given birth to the conjecture, that the original reading was *pro Sardis, in T. Albucium*: that in transcribing, *in T.* has been first mistaken for *M*: the preposition being thus lost, *pro* has been repeated; and *Albucium*, converted into *Albucio.*

¶ *L. Fufii.* M. Aquillius, colleague of C. Marius in his fifth consulate. He was afterwards sent as proconsul to Sicily. In the year following, being accused of bribery by L. Fufius Calenus, he was defended by the eloquent M. Antonius. De Orat. c. 47. Brut. c. 62.

sit sæpius, rei publicæ tribuat hoc muneris, cujus inimicos ulcisci sæpius, non est reprehendendum. Modus tamen adsit. Duri enim hominis, vel potius vix hominis videtur, periculum capitis inferre multis. Id cum periculosum ipsi est, tum etiam sordidum ad famam, committere, ut accusator nominere: quod contigit M. Bruto,* summo genere nato, illius filio, qui juris civilis in primis peritus fuit.

Atque etiam hoc præceptum officii diligenter tenendum est, ne quem umquam innocentem [judicio] capitis arcessas: id enim sine scelere fieri nullo pacto potest. Nam quid est tam inhumanum, quam eloquentiam, a natura ad salutem hominum et ad conservationem datam, ad bonorum pestem perniciemque convertere? Nec tamen, ut hoc fugiendum est, item est habendum religioni, nocentem aliquando, modo ne nefarium impiumque defendere. Vult hoc multitudo, patitur consuetudo, fert etiam humanitas. Judicis est, semper in caussis verum sequi: patroni, non numquam veri simile, etiam si minus sit verum, defendere:†

* *M. Bruto.* M. Junius Brutus, the father of M. Brutus named in the text, composed some books on the municipal law of Rome. The son was on terms of enmity with L. Crassus, the orator, and was a frequent accuser; among others, of M. Scaurus, the Princeps senatus.

† *Patroni—defendere.* To answer the purposes of substantial justice, it is in all cases necessary that the judge should have before him a complete statement of the matter in debate: in order to prepare it, impartiality requires that each litigant party should have the benefit of that skill and experience which those educated to the profession alone could furnish. When the judge is fully informed, it is then

quod scribere (præsertim cum de philosophia scriberem) non auderem, nisi idem placeret gravissimo Stoicorum Panætio. Maxime autem et gloria paritur et gratia defensionibus: eoque major, si quando accidit, ut ei subveniatur, qui potentis alicujus opibus circumveniri urgerique videatur: ut nos et sæpe alias, et adolescentes, contra L. Sullæ dominantis opes pro S. Roscio Amerino* fecimus: quæ, ut scis, exstat oratio.

CAP. XV. *Beneficientiæ ratio duplex, aut opera aut pecunia; quæ constat ex opera, honestior, et latius patet.*

Sed expositis adolescentium officiis, quæ valeant ad gloriam adipiscendam, deinceps de beneficentia ac de liberalitate dicendum est. Cujus est ratio duplex. Nam aut opera benigne fit indigentibus, aut pecunia. Facilior est hæc posterior, locupleti præsertim: sed illa lautior, ac splendidior, et viro forti claroque dignior. Quamquam enim in utroque inest gratificandi liberalis voluntas, tamen altera ex arca, altera ex virtute depromitur:

his duty to decide on which side justice lies: but, in the mean time, no blame can justly be imputed to the advocate who gives to either party the necessary aid to bring his suit to a fair decision: and it is confounding his office with that of the judge, to call on the advocate to decide on the merits, whilst the suit is yet in progress.

* *Roscio Amerino.* Ameria is a town of Umbria, of which Roscius was probably a native. Cicero, in the 27th year of his age, defended Roscius against an accusation of parricide brought against him by a dependent of Sylla.—The oration though not in a perfect state, still exists.

largitioque, quæ fit ex re familiari, fontem ipsum benignitatis exhaurit. Ita benignitate benignitas tollitur: qua quo in plures usus sis, eo minus in multos uti possis.

At qui opera, id est virtute et industria, benefici et liberales erunt, primum quo pluribus profuerint, eo plures ad benigne faciendum adjutores habebunt. Deinde consuetudine beneficentiæ paratiores erunt et tamquam exercitatiores ad bene de multis promerendum. Præclare epistola quadam Alexandrum filium Philippus accusat, quod largitione benevolentiam Macedonum consectetur. "Quæ te, malum, (inquit,) ratio* in istam spem induxit, ut eos tibi fideles putares fore, quos pecunia corrupisses? An tu id agis, ut Macedones non te regem suum, sed ministrum et præbitorem sperent fore?" Bene "ministrum et præbitorem;" quia sordidum regi: melius etiam, quod largitionem, corruptelam esse dixit. Fit enim deterior qui accipit, atque ad idem semper exspectandum paratior. Hoc ille filio: sed præceptum putemus omnibus. Quam ob rem id quidem non dubium

CHAPTER XV.

* *Malum ratio. Quæ te mala ratio; quid te malum rationis;* and *quod te malum rationis,* are also found in some MSS. By those who prefer the present reading, among whom is Erasmus, *malum* is understood as an exclamation of indignation in the father. Valerius Maximus, vii. 2. 10. thus paraphrases the same passage in this letter: "Quæ te, fili, ratio in hanc tam vanam spem induxit, ut eos tibi fideles futuros existimares, quos pecunia ad amorem tui compulisses." Quæ, malum! est ista ratio. Philipp. x. 9. 18.

est, quin illa benignitas, quæ constat ex opera et industria, et honestior sit, et latius pateat, et possit prodesse pluribus.

Non numquam tamen est largiendum, nec hoc benignitatis genus omnino repudiandum est: et sæpe idoneis hominibus de re familiari impartiendum, sed diligenter atque moderate. Multi enim patrimonia effuderunt, inconsulte largiendo. Quid autem est stultius, quam quod libenter facias, curare, ut id diutius facere non possis? Atque etiam sequuntur largitionem rapinæ. Cum enim dando egere cœperunt, alienis bonis manus afferre coguntur. Ita, cum benevolentiæ comparandæ caussa benefici esse velint, non tanta studia assequuntur eorum, quibus dederunt, quanta odia eorum quibus ademerunt.

Quam ob rem nec ita claudenda est res familiaris, ut eam benignitas aperire non possit; nec ita reseranda ut pateat omnibus; modus adhibeatur, isque referatur ad facultates. Omnino meminisse debemus id, quod a nostris hominibus sæpissime usurpatum, jam in proverbii consuetudinem venit, largitionem fundum non habere.* Etenim quis potest modus esse, cum et idem qui consuerunt, et idem illud alii desiderent?†

* *Fundum non habere.* "Adagium a dolio pertuso translatum, quod infusa aqua nunquam tamen repletur; ita nec populus largitionibus." Erasm.

† *Cum et—desiderent.* For the first *idem*, *iidem* and *hi*, are found in some MSS. The present reading may be explained *cum idem et illi qui consueverunt* [accipere] *et alii desiderent.*

CAP. XVI. *Alios esse prodigos, alios liberales: sumtibus quærendum esse dignitatem.*

Omnino duo sunt genera largorum quorum alteri prodigi, alteri liberales. Prodigi, qui epulis, et viscerationibus,* et gladiatoriis muneribus, ludorum venationumque† apparatu, pecunias profundunt in eas res, quarum memoriam aut brevem, aut nullam omnino sint relicturi. Liberales autem, qui suis facultatibus aut captos a prædonibus redimunt, aut æs alienum suscipiunt amicorum, aut in filiarum collocatione adjuvant, aut opitulantur in re vel quærenda, vel augenda.

Itaque miror, quid in mentem venerit Theophrasto, in eo libro quem de divitiis scripsit,‡ in quo multa præclare: illud absurde. Est enim multus in laudanda magnificentia et apparatione popularium munerum: taliumque sumtuum facultatem fructum§ divitiarum putat. Mihi autem ille

CHAPTER XVI.

* *Visceratiomibus.* By *gifts of meat among the people.* We learn from Servius on Æn. i. 211, that anciently under the term viscus, the intestines alone of the animal slaughtered were not to be understood, sed quidquid sub corio est.

† *Venationumque.* By this is meant the introduction of wild animals in the circus.

‡ *Divitiis scripsit.* The treatise of Theophrastus, περὶ πλούτου, is also mentioned by Diogenes Laertius, v. 47, but has not reached posterity.

§ *Fructum. Pecuniæ fructus* is also used in the 18th chapter, or the *benefits arising from wealth.*

fructus liberalitatis, cujus pauca exempla posui, multo et major videtur, et certior. Quanto Aristoteles* gravius et verius nos reprehendit, qui has pecuniarum effusiones non admiremur, quæ fiunt ad multitudinem deliniendam: at ii, qui ab hoste obsidentur, si emere aquæ sextarium mina cogerentur, hoc primo [auditu] incredibile nobis videri, omnesque mirari: sed, cum attenderint, veniam necessitati dare: in his immanibus jacturis, infinitisque sumtibus, nihil nos magno opere mirari; cum præsertim neque necessitati subveniatur, nec dignitas augeatur; ipsaque illa delectatio multitudinis sit ad breve exiguumque tempus; eaque a levissimo quoque: in quo tamen ipso una cum satietate, memoria quoque moriatur voluptatis. Bene etiam colligit, hæc pueris, et mulierculis, et servis, et servorum simillimis liberis, esse grata: gravi vero homini, et ea, quæ fiunt, judicio certo ponderanti, probari posse nullo modo.

Quamquam intelligo, in nostra civitate inveterasse, et jam bonis temporibus, ut splendor ædilitatum† ab optimis viris postuletur. Itaque et P.

* *Aristoteles.* In the numerous writings of Aristotle which have been preserved, no such passage has been discovered. Muretus and J. M. Heusinger suggest that Aristo, or Aristo Chius or Stoicus may be the true reading. This Stoic Philosopher has been before named, i. 2.

† *Ædilitatum.* Among the duties of these officers was the direction of the public games. In process of time, the custom was introduced of defraying the expense of these out of their own pockets: at subsequent elections, an interest was by this means created among the lower classes. This abuse became so great, that the popularity or unpo-

Crassus,* cum cognomine dives, tum copiis, functus est ædilicio maximo munere, et paullo post L. Crassus cum omnium hominum moderatissimo, Q. Mucio,† magnificentissima ædilitate functus est: deinde C. Claudius,‡ Appii filius: multi post, Luculli, Hortensius, Silanus.§ Omnes autem P. Lentulus,‖ me consule, vicit superiores. Hunc est Scaurus¶ imitatus. Magnificentissima vero nostri Pompeii munera, secundo consulatu: in quibus omnibus, quid mihi placeat vides.**

pularity of a candidate for higher offices in a great degree depended on the profusion with which he had executed the office of edile: and many were ruined by the rivalry of expense in this frivolous object.

* *P. Crassus.* This was probably P. Licinius Crassus, consul A. U. C. 656; father of M. Crassus, the richest of the Romans. Lucius Crassus, next named, is the orator commended in the first book, c. xxx. and de Orat. c. liv.

† *Q. Mucio.* Surnamed Scævola, has also been before alluded to in chap. xxxii. of the first book.—"Loenum simul plurium pugnam Romæ princeps dedit Q. Scævola P. Filius, in curuli Ædilitate," Plin. viii. c. 16.

‡ *C. Claudius.* Surnamed Pulcher; edile A. U. C. 655, who first introduced elephants into the circus. Valer. Max. ii. 4. 6. Plin. viii. 7.

§ *Silanus.* D. Junius Silanus, successor to Cicero in the consulate.

‖ *Lentulus.* P. Cornelius Lentulus Spinther—Of his edileship, notice is also taken by Valerius Maximus. ii. 4. 6.

¶ *Scaurus.* M. Æmilius Scaurus, named in the first book, c. 39.

** *Pompeii.* His second consulate was A. U. C. 698; during which he dedicated the temple built at his own expense. Plutarch in Vita. Dio. Cassius, xxxix.

CAP. XVII. *Largitionum rationem ad facultates accommodandam, et mediocritate moderandam esse.*

VITANDA tamen est suspicio avaritiæ Mamerco, homini divitissimo, prætermissio ædilitatis consulatus repulsam attulit.* Quare et, si postulatur a populo, bonis viris si non desiderantibus, at tamen approbantibus, faciundum est, modo pro facultatibus, nos ipsi ut fecimus: et, si quando aliqua res major atque utilior populari largitione adquiritur: ut Oresti nuper prandia in semitis decumæ† nomine magno honori fuerunt. Ne M. quidem Seio‡ vitio datum est, quod in caritate,§ asse mo-

CHAPTER XVII.

* *Repulsam attulit.* The Mamerci were Patricians, and a branch of the Æmilian family. The individual here alluded to is not now to be discovered. In order to save the expense of giving public games, it seems, he declined the edileship: giving offence to the people by this instance of economy, when a candidate for the consulate he was unsuccessful.

† *Oresti—decumæ.* Cn. Aufidius Orestes, consul A. U. C. 682, is probably the person here meant. Hercules, in his life time, was said to have promised good fortune to those who after his deification should make him oblations. To him, as well as to other divinities, many wealthy Romans made offerings of one tenth of their fortunes, or incomes. In imitation of this practice, Orestes may possibly have dedicated one tenth of his fortune to feasting the people. Scenicis ludis decumas datas. Sueton. in Calig. 26.

‡ *Seio.* An opulent Roman knight, named also by Varro, lib. iii. cap. 2. 6. and 10. Plin. xv. 1.

§ *Caritate.* In some MSS. *annonæ* is added; probably,

dium* populo dedit. Magna enim se, et inveterata invidia, nec turpi jactura, quando erat ædilis,† nec maxima liberavit. Sed honori summo nuper nostro Miloni‡ fuit, qui gladiatoribus emtis rei publicæ caussa, quæ salute nostra continebatur,

a gloss from the margin: *during a dearth*, corresponds with our own idiom. The same ellipse appears in Verr. iii. 93. Biennium provinciam obtinuit, cum alter annus in vilitate, alter in summa caritate fuerit.

* *Asse modium*. The weight of the modius approximated to 25 Roman pounds, varying of course, in some degree, according to the quality of the wheat. Four modii were delivered as a slave's allowance for a month: each modius when converted into bread was consequently sufficient for seven or eight days' provision for one man.—Selling this quantity for an ass, was therefore a sale merely in name.

† *Erat ædilis*. In one MS., at least, the words *quando erat ædilis* are wanting. Suspicions may be entertained that they have been transported, or removed from the margin into the text, where they mar the sense. There could be no reason for intimating that an act of liberality of this kind, in an edile, was not *turpis jactura*. Is it not more probable that *quando erat ædilis*, was meant to follow and apply to *inveterata invidia*? *By his economy in exercising that office, Seius incurred great unpopularity which had long continued;* but by this gratuitous, or nearly gratuitous, distribution of wheat, *expending no great sum of money, in no dishonourable manner, he removed the odium against him.*

‡ *Miloni*. Clodius having taken into pay a number of persons of indifferent character, for the purpose it was said, of waylaying publicly, and murdering Cicero, Milo followed the example of Clodius, and purchased all the gladiators whom he could procure, in order to defend his friend. Such was the reverence to the laws, such the security of person, and such the state of society, in the renowned republic!

omnes P. Clodii conatus furoresque compressit. Caussa igitur largitionis est, si aut necesse est, aut utile.

In his autem ipsis mediocritatis regula optima est. L. quidem Philippus, Q. F.* magno vir ingenio in primisque clarus, gloriari solebat, se sine ullo munere adeptum esse omnia quæ haberentur amplissima. Dicebat idem Cotta, Curio,† Nobis quoque licet in hoc quodam modo gloriari. Nam pro amplitudine honorum, quos cunctis suffragiis adepti sumus nostro quidem anno,‡ quod contigit eorum nemini quos modo nominavi, sane exiguus sumtus ædilitatis fuit.

Atque etiam illæ impensæ meliores, muri, navalia, portus, aquarum ductus, omniaque, quæ ad usum rei publicæ pertinent. Quamquam, quod præsens tamquam in manum datur, jucundius est: tamen hæc in posterum gratiora. Theatra, por-

* *Philippus, Q. F.* Consul with Sextus Julius Cæsar, A. U. C. 662; censor, 667. His oratory has already been commended, i. 30.

† *Cotta, Curio.* In the text of this passage, which varies much in different MSS., some inextricable error appears. The interpretation of the present reading adopted by J. F. Heusinger and other editors, is, that two persons are named, the one C. Scribonius Curio, consul A. U. C. 677, and the other, C. Cotta, consul A. U. C. 678. To the objection which had been taken to this interpretation by Grævius, that no conjunction appears between the names, it is replied, that in other instances the conjunction is omittted by Cicero between proper names; as Brut. c. 74. "Mitto C. Lælium, P. Scipionem."

‡ *Nostro quidem anno.* At the exact age when the laws admitted him to hold each office, Cicero was a successful candidate.

ticus, nova templa, verecundius reprehendo, propter Pompeium:* sed doctissimi non probant, ut et hic ipse Panætius, quem multum in his libris secutus sum, non interpretatus: et Phalereus Demetrius,† qui Periclem, principem Græciæ, vituperat, quod tantam pecuniam in præclara illa propylæa‡ conjecerit. Sed de hoc genere toto in iis libris, quos de re publica scripsi, diligenter est disputatum. Tota igitur ratio talium largitionum genere vitiosa est, temporibus necessaria; tamen ipsa et ad facultates accommodanda, et mediocritate moderanda est.

CAP. XVIII. *Quid sit in beneficentia observandum: quæ sit honestior liberalitas: recte laudari hospitalitatem.*

In illo autem altero genere largiendi, quod a liberalitate proficiscitur, non uno modo in disparibus caussis affecti esse debemus.§ Alia caussa

* *Pompeium.* In each of these objects, Pompey had expended exorbitant sums. Reverence to his memory withholds Cicero from uttering more than this gentle reprehension.

† *Demetrius.* See I. 1. page 4.

‡ *Propylæa.* Through these, which were placed in front of the temple of Minerva, were formed the five entrances leading into the citadel of Athens. In this work, Pericles expended above 2000 talents. Plut. in Vita.

CHAPTER XVIII.

§ *Altero genere—debemus.* In the two preceding chapters, cautions against prodigality had been given.—The

est ejus qui calamitate premitur, et ejus qui res meliores quærit,* nullis suis rebus adversis. Propensior benignitas esse debebit in calamitosos, nisi forte erunt digni calamitate. In iis tamen, qui se adjuvari volent, non ut ne affligantur, sed ut altiorem gradum adscendant, restricti omnino esse nullo modo† debemus; sed in deligendis idoneis judicium et diligentiam adhibere. Nam præclare Ennius:

Benefacta male locata, malefacta arbitror.

Quod autem tributum est bono viro et grato, in eo cum ex ipso fructus est, tum etiam ex ceteris. Temeritate enim remota,‡ gratissima est liberalitas: eoque eam studiosius plerique laudant, quod summi cujusque bonitas commune perfugium est omnium. Danda igitur opera est, ut iis beneficiis quam plurimos afficiamus, quorum memoria liberis posterisque prodatur, ut iis ingratis§ esse non

present treats of liberality. *As the motives for the exercise of this virtue vary, on different occasions, it should appear in a different manner.*

* *Res meliores quærit.* *Seeks to improve his condition.*

† *Omnino esse nullo modo.* In many MSS. and early editions, *omnino* does not appear. Facciolati inserts in its place *animo*. This J. F. Heusinger thinks more remote from the true reading than the present; that the error more probably arises from the taking into the text *nullo modo*, as a gloss to *omnino non debemus;* and that it is safer to leave the whole undisturbed.

‡ *Temeritate enim remota.* *When favours are conferred with discrimination.*

§ *Ut iis ingratis.* "*Docent illud grammatici, hoc genus sermon's trifariam efferri.* Non licet esse ingratis. Non

liceat. Omnes enim immemorem beneficii oderunt; eamque injuriam in deterrenda liberalitate sibi etiam fieri; eumque, qui faciat, communem hostem tenuiorum putant. Atque hæc benignitas etiam rei publicæ est utilis, redimi e servitute captos, locupletari tenuiores: quod quidem vulgo solitum fieri ab ordine nostro,* in oratione Crassi† scriptum copiose videmus. Hanc ergo‡ consuetudinem benignitatis largitioni munerum longe antepono. Hæc est gravium hominum atque magnorum: illa quasi assentatorum populi, multitudinis levitatem voluptate quasi titillantium.

Conveniet autem cum in dando munificum esse, tum in exigendo non acerbum; in omnique re contrahenda, vendendo, emendo, conducendo, locando, vicinitatibus et confiniis æquum et facilem, multa multis de jure suo cedentem: a litibus vero, quantum liceat, et nescio an paullo plus etiam quam liceat, abhorrentem. Est enim non modo liberale, paullum non nunquam de suo jure decedere, sed interdum etiam fructuosum. Habenda autem ratio est rei familiaris, quam quidem dilabi sinere, flagitiosum est: sed ita, ut illiberalitatis

licet esse ingratos. Non licet esse ingrati. *Primum elegantissimum est; postremum durissimum.*" Erasm.

* *Ab ordine nostro.* Not by the assembly of augurs, which was denominated *collegium*, but by the senate, which was properly termed *senatorius ordo.*

† *Crassi.* L. Crassus: recently named in the 16th chapter.

‡ *Hanc ergo.* In citing this passage, Lactantius reads, not *ergo*, but *ego;* which, indeed, is likely to be the true reading. Drakenborch, in his valuable edition of Livy, xxxvii. 53. 11, notices this error as frequently committed by transcribers.

avaritiæque absit suspicio. Posse enim liberalitate uti, non spoliantem se patrimonio, nimirum is est pecuniæ fructus maximus. Recte etiam a Theophrasto est laudata hospitalitas. Est enim, ut mihi quidem videtur, valde decorum, patere domus* hominum illustrium illustribus hospitibus: idque etiam reipublicæ est ornamento, homines externos hoc liberalitatis genere in urbe nostra non egere. Est autem etiam vehementer utile iis, qui honeste posse multum volunt,† per hospites apud externos populos valere opibus et gratia. Theophrastus quidem scribit, Cimonem Athenis etiam‡ in suos curiales Laciadas§ hospitalem fuisse. Ita enim instituisse, et villicis imperavisse, ut omnia præberentur, quicumque Laciades in villam suam devertisset.

* *Domus.* The ancient form of this noun, derived from δέμω, was of the fourth declension. Sive domûs sit—Emptor—Hor. Sat. ii. 6. 108.

† *Honeste posse multum volunt. Who seek to obtain power by honourable means.*

‡ *Athenis etiam.* Though the MSS. appear uniform in this reading, the Heusingers would alter to *Atheniensem.* This appears unnecessary. Cicero had recommended the practice of hospitality to foreigners: he proceeds to observe that Cimon, at Athens, exercised that virtue even towards his country neighbours.

§ *Laciadas.* Λακία was a village or hamlet in Attica, from which one of the δῆμοι, or subdivisions of its territory, received its appellation. Of these there were 174, comprised in 12 φυλαί. In the tenth of these, τῇ φυλῇ Οἰνηΐδι, was the Λακία Δῆμος.

CAP. XIX. *Quænam officia sint observanda illi qui operâ beneficia daturus est.*

Quæ autem opera, non largitione, beneficia dantur, hæc tum in universam rem publicam, tum in singulos cives conferuntur. Nam in jure cavere,* consilio juvare, atque hoc scientiæ genere prodesse quam plurimis, vehementer et ad opes augendas pertinet, et ad gratiam. Itaque cum multa præclara majorum, tum quod optime constituti juris civilis summo semper in honore fuit cognitio atque interpretatio: quam quidem ante hanc confusionem temporum in possessione sua principes retinuerunt: nunc ut honores, ut omnes dignitatis gradus, sic hujus scientiæ splendor deletus est: idque eo indignius, quod eo tempore hoc contigit, cum is esset,† qui omnes superiores, quibus honore par esset, scientia facile vicisset. Hæc igitur opera, grata multis, et ad beneficiis obstringendos homines accommodata.

Atque huic arti finitima est dicendi gravior facultas, [et gratior] et ornatior. Quid enim eloquentia præstabilius, vel admiratione audientium,

CHAPTER XIX.

* *In jure cavere: to conduct the defence of a law-suit.* Jurisconsulti aliis *cavent*, cum suis clientibus ea respondent, quibus damnum aliquod futurum amoliri possint. Facciolati.

† *Cum is esset.* Servius Sulpicius Rufus, consul A. U. C. 702; an eminent jurisconsult, is supposed to be the person here meant. A. Gellius (lib. ii. c. 10.) speaks of his merit.

vel spe indigentium, vel eorum qui defensi sunt, gratia? Huic ergo a majoribus nostris est in toga dignitatis principatus datus. Diserti igitur hominis, et facile* laborantis, quodque in patriis est moribus, multorum caussas, et non gravate, et gratuito defendentis,† beneficia et patrocinia late patent.

Admonebat me res, ut hoc quoque loco intermissionem eloquentiæ, ne dicam interitum, deplorarem: ni vererer, ne de me ipso aliquid viderer queri. Sed tamen videmus, quibus exstinctis oratoribus, quam in paucis spes, quanto in paucioribus facultas, quam in multis sit audacia. Cum autem omnes non possint, ne multi quidem, aut juris periti esse, aut diserti; licet tamen opera prodesse multis, beneficia petentem, commendan-

* *Facile. Willingly.* As in Ep. ii. 16. 6. "Quod autem in maritimis facillime sum."—*Facile laborantis, φιλοπόνου, of an industrious man.*

† *Gratuito defendentis.* To aid this disinterestedness, the Cincian law, A. U. C. 550, directly inhibits:—ne quis, ob causam orandam, pecuniam donumve accipiat. Tacit. Annal. xi. 5. The patrii mores, and the Cincian law, each it seems failing in effect, during the rule of Augustus, a penalty of fourfold the fee received for pleading, was imposed on the receiver. Dion. liv. 533. The policy of such regulations is as questionable as their justice. Every litigation of importance must have become a party-question, a trial of strength between great men. Though the client paid not in money, he did by blindly engaging his support and his suffrage to his patron, on all occasions. In order to avoid the appearance of corruption, the Roman institutions necessitated and sanctified corruption, of a nature the most general and most dangerous in a free state.

tem* judicibus† et magistratibus, vigilantem pro re alterius, eos ipsos, qui aut consuluntur aut defendunt, rogantem: quod qui faciunt, plurimum gratiæ consequuntur, latissimeque eorum manat‡ industria.

Jam illud non sunt admonendi (est enim in promtu) ut animum advertant, cum juvare alios velint, ne quos offendant. Sæpe enim aut eos lædent quos non debent, aut eos quos non expedit. Si imprudentes, negligentiæ est: si scientes, temeritatis. Utendum etiam est excusatione adversus§ eos quos invitus offendas, quacumque possis:|| quare id, quod feceris, necesse fuerit, nec aliter facere potueris; ceterisque operis et officiis erit id, quod violatum est, compensandum.

* *Petentem, commendantem.* The verb *licet* has been before used with an accusative. *Hæc præscripta servantem licet magnifice—vivere*, i. 26. but in the last chapter, with another case—*his ingratis esse non liceat.*

† *Judicibus.* Thus it appears that the practice of *soliciting* the judges on the part of litigants—a practice incompatible with justice, or even with its appearance, was not only established at Rome, but that it meets with no disapprobation from Cicero himself.

‡ *Latissimeque manat.* *Meets very general commendation.*

§ *Adversus.* *Erga.* Vide l. i. c. 11. note.

|| *Possis.* In one MS. *possit:* with the ellipse of *fieri:* this meets J. F. Heusinger's approbation, and is by Gernhard elevated into the text. In the next chapter. *Danda opera est omnino si possit.*

CAP. XX. *In hominibus juvandis gratiam captari: beatos beneficio obligari nolle.*

Sed cum in hominibus juvandis aut mores spectari, aut fortuna soleat: dictu quidem est proclive,* itaque vulgo loquuntur, se in beneficiis collocandis mores hominum, non fortunam sequi. Honesta oratio est: sed quis est tandem, qui inopis et optimi viri caussæ non anteponat, in opera danda, gratiam fortunati et potentis? A quo enim expeditior et celerior remuneratio fore videtur, in eum fere est voluntas nostra propensior. Sed animadvertendum est diligentius, quæ natura rerum sit: nimirum enim inops ille, si bonus est vir, etiam si referre gratiam non potest, habere certe potest. Commode autem, quicumque dixit.† pecuniam qui habeat, non reddidisse; qui reddiderit, non habere; gratiam autem et qui retulerit, habere: et qui habeat, retulisse.

At, qui se locupletes honoratos, beatos putant,

CHAPTER XX.

* *Dictu quidem est proclive:* this is indeed easy to say.

† *Dixit.* Who was the author of this proverbial expression is not known: on two other occasions Cicero refers to it. Pro Planc. c. 28. Ep. post redit. ad Q. c. 9. It is interpreted, A. Gell. 1. 4. The verb *habere* is taken in a double sense, as applied to *pecunia*, and to *gratia*. *Pecuniam qui habet* ab aliquo mutuam, *non reddit* eam quamdiu *habet:* cum vero reddit, eam *habere* desinit. *Gratiam* autem et is qui *retulit*, *habet* (dum gratum animum retinet) et qui *habet* (grato in bene meritos animo est) eam *retulit*, et quodam modo exsolvit.

ii ne obligari quidem beneficio volunt. Quin etiam beneficium se dedisse arbitrantur, cum ipsi quamvis magnum aliquod acceperint: atque etiam a se aut postulari aut exspectari aliquid suspicantur: patrocinio vero se usos et clientes appellari, mortis instar putant. At vero ille tenuis, cum, quidquid factum sit, se spectatum, non fortunam putat, non modo illi, qui est meritus,* sed etiam illis a quibus exspectat (eget enim multis) gratum se videri studet: neque vero verbis auget suum munus, si quo forte fungitur, sed etiam extenuat. Videndumque illud est, quod si opulentum fortunatumque defenderis, in uno illo, aut forte in liberis ejus manet gratia: sin autem inopem, probum tamen et modestum, omnes non improbi humiles (quæ magna in populo multitudo est) præsidium sibi paratum vident. Quam ob rem melius apud bonos, quam apud fortunatos, beneficium collocari puto.

Danda omnino opera est, ut omni generi satis facere possimus. Sed si res in contentionem veniet, nimirum Themistocles† est auctor adhibendus; qui cum consuleretur, utrum bono viro

* *Qui est meritus: who conferred the obligation.*

† *Themistocles.* Valerius Maximus, lib. vii. c. 2., states that the opinion of Themistocles was asked by the father of an only daughter, whether to give her in marriage to a man of merit without fortune, or to a wealthy suitor, but with no other recommendation.—I should recommend, says Themistocles, rather the man without money, than the money without the man. Plutarch, in his life of Themistocles, relates a similar story, but applies it to the daughter of Themistocles himself. Cicero evidently is guided by Valerius Maximus.

pauperi, an minus probato diviti filiam collocaret: "Ego vero," inquit, malo virum qui pecunia egeat, quam pecuniam quæ viro." Sed corrupti mores depravatique sunt admiratione divitiarum: quarum magnitudo quid ad unumquemque nostrum pertinet? Illum fortasse adjuvat qui habet: ne id quidem semper: sed fac juvare; utentior* sane sit; honestior vero quo modo? Quod si etiam bonus erit vir, ne impediant divitiæ, quo minus juvetur, modo ne adjuvent:† sitque omne judicium, non quam locuples, sed qualis quisque sit. Extremum autem præceptum in beneficiis, operaque danda est, ne quid contra æquitatem contendas, ne quid pro injuria. Fundamentum enim perpetuæ commendationis et famæ est justitia, sine qua nihil potest esse laudabile.

* *Utentior.* This is a very doubtful reading, and the acceptation in which the word, if genuine, is to be taken, by no means clear. The explanations given by commentators, are *qui plus impendit in cultum vitæ; qui pluribus utitur ad vitam tuendam; qui majores sumptus in se tuendum facit.* In a few MSS. *opulentior;* in many, *potentior*, is found. The last reading is preferred by Facciolati and Pearce; the present, as being found in MSS. deemed of the best authority, by Ernesti, J. F. Heusinger, and Gernhard. *Ceteræ res—opportunæ sunt:—divitiæ ut utare.* Læl. vi.

† *Modo ne adjuvent.* As *modo ut* is employed for *dummodo*, so *modo ne* is found in the sense of *dummodo non.* Acad. Q. iv. 43. "Modo ne quis illud tam ineruditum absurdumque respondeat." Læl. 17. "Modo ne summa turpitudo sequatur." If he be a man of worth, let not his wealth be a motive for not aiding him, *provided that it be not the motive for doing it.*

CAP. XXI. *Videndum est ei qui rempublicam administrabit, ut suum quisque teneat: ne tributum sit conferendum; ut rerum necessariarum sit copia.*

Sed quoniam de eo genere beneficiorum dictum est quæ ad singulos spectant, deinceps de iis quæ ad universos, quæque ad rem publicam pertinent, disputandum est. Eorum autem ipsorum partim ejusmodi sunt, ut ad universos cives pertineant, partim singulos ut attingant, quæ sunt etiam gratiora. Danda opera est omnino, si possit, utrisque, nec minus, ut etiam singulis consulatur: sed ita, ut ea res aut prosit, aut certe ne obsit rei publicæ. C. Gracchi* frumentaria magna largitio; exhauriebat igitur ærarium: modica M. Octavii, et rei publicæ tolerabilis, et plebi necessaria. Ergo et civibus, et rei publicæ salutaris.

In primis autem videndum erit ei, qui rem publicam administrabit, ut suum quisque teneat, neque de bonis privatorum publice deminutio fiat.†

CHAPTER XXI.

* *C. Gracchi.* By the Sempronian law, proposed by C. Gracchus, A. U. C. 630, corn was directed to be purchased at the public charge, and distributed at reduced rates among the poorer citizens: his colleague in the tribunate, M. Octavius, opposed this law, and succeeded in fixing a higher price, at which the corn was to be distributed.

† *Neque—deminutio fiat: that the property of individuals should not be invaded, under public authority.*

Perniciose enim Philippus* in tribunatu, cum egem agrariam ferret, quam tamen antiquari facile passus est, et in eo vehementer se moderatum præbuit: sed cum in agendo multa populariter, tum illud male, non esse in civitate duo milia† hominum qui rem haberent. Capitalis oratio, et ad æquationem bonorum pertinens: qua peste quæ potest esse major? Hanc enim ob caussam maxime, ut sua tenerent, res publicæ civitatesque

* *Philippus.* L. Marcius Philippus, tribune of the people, A. U. C. 649, named before, c. 17.

† *Duo milia.* On this passage, the only question which occurs to the Heusingers, is to examine, whether *mille*, in its plural form, should be written with one l, or with two. From the inspection of ancient monuments, as well as MSS., J. F. Heusinger decides that the ancient and correct form is with one l, *milia.* But the extraordinary assertion in the text should awaken reflections of a much more important nature. Could it be publicly asserted that, at this advanced era of the republic, there were but two thousand citizens who were in a state of independence? The *truth* of this assertion is by no means controverted: Cicero contents himself with imputing unworthy motives to its author, and drawing from it an inference which does not necessarily follow. Other remedies might be suggested besides a fresh distribution of the capital of the country among its citizens: slight reflection might, indeed, convince any one, that this fancied remedy would be transitory in its effects, and perfectly ineffectual. Rather should it have occurred, that the trade of war is, and ever must be, destructive to the greater number even of those who follow it successfully, gainful but to a few; that by the cultivation of the arts of peace, by the security of property, and the introduction of new habits of life among their citizens, capital might be created, and happiness brought to their fire-sides, at the same time that the strength and revenues of the state would be augmented.

constitutæ sunt. Nam etsi duce natura congregabantur homines, tamen spe custodiæ rerum suarum urbium præsidia quærebant.

Danda etiam opera est, ne, quod apud majores nostros sæpe fiebat, propter ærarii tenuitatem assiduitatemque bellorum, tributum sit conferendum: idque ne eveniat, multo ante erit providendum. Sin quæ necessitas hujus muneris* alicui rei publicæ obvenerit (malo enim, quam nostræ ominari:† neque tantum de nostra, sed de omni re publica disputo) danda erit opera, ut omnes intelligant, si

* *Muneris.* This noun in its opposite senses of an *imposition* and a *gift*; a *reward* and a *punishment*, may possibly be derived, as has been thought, from Μείρω to *divide*, or *distribute*; as *plenus* from πλήρης· *donum* from Δῶρον. The connexion of the ν, and ρ, is pointed out in Valpy's Greek Grammar, 5th ed. p. 190. *Munus*, in this sense, may mean *the burden* divided *among the citizens*; that *to which* each is *bound to contribute*. The expression of horror on naming taxation, that sound of ill omen; and the solemn caution to submit with resignation to the evil in the extreme cases when its occurrence becomes inevitable, appear, in our day and in our country, rather ludicrous. By the term *tributum*, is not however meant customs or taxes in general; but a poll-tax, or a property-tax, to which, in addition to the ordinary sources of revenue, the citizens were, on great emergencies, called on to contribute.

† *Ominari.* In this parenthesis an ellipse appears of some word or words: different transcribers, thinking that the text must be incorrect, have introduced after *enim*; *alicui*, *alii*, or *alteri*; and the latter reading has been generally adopted by the early editors. The sense required, as J. F. Heusinger remarks, *Malo enim ita dicere quam dicere nostræ Reipublicæ obvenerit.* But as this might be deemed an expression of ill omen, Cicero may have preferred passing it over briefly, as in the text.

salvi esse velint, necessitati esse parendum. Atque etiam omnes, qui rem publicam gubernabunt, consulere debebunt, ut earum rerum copia fit quæ sunt necessariæ; quarum qualis comparatio fieri soleat et debeat, non est necesse disputare. Est enim in promtu: tantum locus attingendus fuit.

Caput autem est* in omni procuratione negotii et muneris publici, ut avaritiæ pellatur etiam minima suspicio. "Utinam," inquit C. Pontius† Samnis, "ad illa tempora me fortuna reservasset, et tum essem natus, si quando Romani dona accipere cœpissent! non essem passus diutius eos imperare." Næ illi multa sæcula exspectanda fuerunt:‡ modo enim hoc malum in hanc rem

* *Caput autem est. It is the essential point.* As in Læl. c. 13. "Caput esse ad beate vivendum, securitatem."

† *C. Pontius.* This Samnite general, who, in effect, made prisoners the Roman consuls and their army at the Caudine Pass, and dismissed them, after passing under the yoke, was, on their breach of the treaty and the renewal of the war, himself made prisoner by the Romans, and beheaded. T. Liv. lib. ix. and Epitome xi. Val. Max. iv. 3. It would seem much more probable to have been a subject of regret to the dying Pontius, that his own forbearance, contrary to his father's advice, towards such an enemy, had given them another opportunity of showing their inhumanity and their perfidy.

‡ *Exspectanda fuerunt.* This sentence is in some MSS. put negatively; *nec illis*, and *nec illi;* probably by transcribers who considered the assertion, if affirmative, and meant to express a century, as not historically true. Pontius was put to death by the Romans, A. U. C. 462. The interval between that time and the year when Cicero composed the present work, was 237 years. The first law against bribery, he says, was passed about 110 years previously. The interval therefore between the formation of

publicam invasit. Itaque facile patior, tum potius Pontium fuisse, si quidem in illo tantum fuit.* Nondum centum et decem anni sunt, cum de pecuniis repetundis a L. Pisone lata lex† est, nulla antea cum fuisset. At vero postea tot leges, et proximæ quæque duriores: tot rei, tot damnati, tantum Italicum‡ bellum propter judiciorum metum excitatum: tanta, sublatis legibus et judiciis, expilatio direptioque sociorum, ut imbecillitate aliorum, non nostra virtute valeamus.

the wish and its accomplishment, could not have much exceeded 120 years. The word *seculum* may possibly be derived from *sequor*; quasi *sequiculum*; an indefinite tract of time; and may have originally been employed to express, not a century, but a generation of man; a space of 30 or 40 years.

* *Tantum fuit: roboris*, is here subjoined by some editors, originating probably from transcription of a gloss into the text from the margin. A sentence similar in construction to the present occurs, Ep. ad Divers. ii. 8. *In eo mihi sunt omnia.* And Curt. vii. 7. *Quantum in uno te sit, scio.*

† *Lex:* passed A. U. C. 604, and named the Calpurnian law, from its proposer, L. Calpurnius Piso. Its object was to compel the refunding of moneys unduly received by any provincial magistrate.

‡ *Italicum.* Also called the Social war. It originated, Cicero intimates, in the selfish policy of some leading individuals, who, by involving their country in domestic war, endeavoured to evade the punishment inflicted on the crimes of corruption and extortion.

CAP. XXII. *Abstinentiæ exempla: rempublicam quæstui habere turpe et nefarium esse: civium bona adimendo, labefactari fundamentà reipublicæ.*

LAUDAT Africanum Panætius,* quod fuerit abstinens. Quid ni laudet? sed in illo alia majora. Laus abstinentiæ, non hominis est solum, sed etiam temporum illorum. Omni Macedonum gaza, quæ fuit maxima, potitus Paullus tantum in ærarium pecuniæ invexit, ut unius imperatoris præda finem attulerit tributorum:† at hic nihil domum suam præter memoriam nominis sempiternam detulit. Imitatus patrem Africanus, nihilo locupletior, Carthagine eversa. Quid? qui ejus collega fuit in censura, L. Mummius, numquid copiosior, cum copiosissimam urbem funditus sustulisset? Italiam ornare, quam domum suam,

CHAPTER XXII.

* *Panætius.* He accompanied, as a friend, Scipio Africanus the younger, in several campaigns. The latter receives from Paterculus this high encomium: *qui nihil in vita nisi laudandum aut fecit, aut dixit, aut sensit.*

† *Imperatoris—tributorum.* L. Æmilius Paullus was father of the younger Scipio named in the last note, adopted into the Scipio family. In the father's conduct, as Cicero afterwards observes, the son found the model of disinterestedness which he followed. The Romans enjoyed this exemption from taxation for about 125 years, from the time of their plunder of Macedonia under Æmilius Paullus, until the consulate of Hirtius and Pansa, in the year next following that in which the present work was composed. Plut. in Æmilio Paullo. Vell. Paterc. i. 9.

maluit: quamquam Italia ornata,* domus ipsa mihi videtur ornatior.

Nullum igitur vitium tætrius est (ut eo, unde egressa est, referat se oratio) quàm avaritia,† præsertim in principibus rem publicam gubernantibus. Habere enim quæstui rem publicam non modo turpe est, sed sceleratum etiam et nefarium. Itaque quod Apollo Pythius oraculo‡ edidit, Spartam nulla re nisi avaritia perituram, id videtur non solum Lacedæmoniis, sed etiam omnibus opulentis populis prædixisse. Nulla autem re conciliare facilius benevolentiam multitudinis possunt ii, qui rei publicæ præsunt, quam abstinentia et continentia.§

* *Italia ornata.* In the revolutions of the wheel of fortune, the country, thus "adorned," has herself been the victim of plunderers of the same stamp: and her booty has been removed in a manner equally unjust and merciless. It is but candid, however, to observe, that the crimes committed by the Romans, when victorious, have not been equalled by those of their modern imitators. No indiscriminate slaughter; no flourishing cities reduced to ashes by the conqueror; but, above all, nothing that can bear a parallel with the atrocious practice of reducing to slavery the whole population of a country, and selling them by thousands, like cattle, in the market.

† *Avaritia.* Not in the modern sense of the word avarice, which comprehends the desire to hoard, as well as to acquire; but rather, the latter passion exclusively, the sordid love of money.

‡ *Oraculo:* this response was given when Alcamenes and Theopompus were kings of Sparta. Plut. in Instit. Lacon. 'Α φιλοχρηματία Σπάρταν ὀλεῖ.

§ *Abstinentia et continentia.* These virtues are placed in contrast with *avaritia*: *abstinentia* applies to those things which are external; particularly other men's pro-

Qui vero populares se esse volunt, ob eamque caussam aut agrariam rem tentant, ut possessores suis sedibus pellantur, aut pecunias creditas debitoribus condonandas putant, ii labefactant fundamenta rei publicæ; concordiam primum, quæ esse non potest, cum aliis adimuntur, aliis condonantur pecuniæ: deinde æquitatem, quæ tollitur omnis, si habere suum cuique non licet. Id enim est proprium (ut suprà dixi) civitatis atque urbis, ut sit libera et non sollicita suæ rei cujusque custodia.

Atque in hac pernicie rei publicæ ne illam quidem consequuntur, quam putant, gratiam. Nam cui res erepta est, est inimicus; cui data, etiam dissimulat, se accipere voluisse: et maxime in pecuniis creditis occultat suum gaudium, ne videatur non fuisse solvendo. At vero ille, qui accipit injuriam, et meminit, et præ se fert dolorem suum; nec, si plures sunt ii quibus improbe datum est, quam illi quibus injuste ademtum est, idcirco plus etiam valent. Non enim numero hæc judicantur, sed pondere.* Quam autem habet æquitatem, ut agrum multis annis, aut etiam seculis, ante possessum, qui nullum habuit, habeat; qui autem habuit, amittat?

perty: *continentia*, to our own appetites. Dumesnil's Synon. 11.

* *Numero—pondere.* Under these circumstances, it is not the number alone of those who are satisfied or dissatisfied, which ought to be counted: but a judgment must be formed after well weighing the causes of that satisfaction or dissatisfaction.

CAP. XXIII. *Arati laus: injustitiam rerum esse publicarum perniciem.*

Ac propter hoc injuriæ genus, Lacedæmonii Lysandrum* ephorum expulerunt; Agin regem, quod numquam antea apud eos acciderat, necaverunt. Exque eo tempore tantæ discordiæ secutæ sunt, ut et tyranni exsisterent, et optimates exterminarentur,† et præclarissime constituta res publica dilaberetur. Nec vero solum ipsa cecidit, sed etiam reliquam Græciam evertit contagionibus malorum, quæ a Lacedæmoniis profectæ manarunt latius. Quid? nostros Gracchos, Ti. Gracchi, summi viri, filios, Africani nepotes,‡ nonne agrariæ contentiones perdiderunt?

CHAPTER XXIII.

* *Lysandrum.* This is not the son of Aristoclitus, the Lysander, whose life Corn. Nepos and Plutarch have given, and who was not one of the Ephori. The Spartan named in the text, was posterior by nearly a century. Plutarch speaks of him in the Life of Agis, King of Sparta, also named in this sentence. Their crime seems to have consisted in the attempt to restore the spirit of the institutions of Lycurgus.

† *Exterminarentur.* This verb is not to be interpreted in the sense which common use, in modern languages, has given to its derivative. It retains simply the meaning of the words of which it is compounded: *extra terminos pellere; to banish.*

‡ *Nepotes.* Cornelia, the wife of Tib. Gracchus, mother of C. and Tib. Gracchus, was daughter of the elder Scipio Africanus.

At vero Aratus* Sicyonius jure laudatur, qui, cum ejus civitas quinquaginta annos a tyrannis teneretur, profectus Argis Sicyonem, clandestino introitu urbe est potitus. Cumque tyrannum Nicoclem improviso oppressisset, sexcentos exsules, qui fuerant ejus civitatis locupletissimi, restituit, remque publicam adventu suo liberavit. Sed cum magnam animadverteret in bonis et possessionibus difficultatem, quod et eos, quos ipse restituerat, quorum bona alii possederant, egere iniquissimum arbitrabatur, et quinquaginta annorum possessiones moveri† non nimis æquum putabat, propterea quod tam longo spatio multa hereditatibus, multa emtionibus, multa dotibus tenebantur sine injuria, judicavit, neque illis, adimi, neque his non satisfieri, quorum illa fuerant, oportere.

Cum igitur statuisset, opus esse ad eam rem constituendam pecunia, Alexandriam se proficisci [velle] dixit, remque integram ad reditum suum jussit esse: isque celeriter ad Ptolemæum,‡ suum hospitem, venit, qui tum regnabat alter post Alexandriam conditam: cui cum exposuisset, patriam se liberare velle, caussamque docuisset,§ a rege

* *Aratus.* Abantides one of the tyrants of Sicyon, having killed Clinias, the father of Aratus, the latter was received at Argos, and brought up by the friends of his family. Plut. in Vita.

† *Moveri:* al. *removere:* the present reading is adopted by Ernesti, the Heusingers, and Gernhard, on the faith of Grævius, who found it in one MS.—all others, and early editions, *movere.*

‡ *Ptolemæum:* Philadelphus; the second of that dynasty.

§ *Caussamque docuisset. Had explained to him the circumstances.*

opulento vir summus facile impetravit ut grandi pecunia* adjuvaretur. Quam cum Sicyonem attulisset, adhibuit sibi in consilium quindecim principes, cum quibus caussas cognovit et eorum qui aliena tenebant, et eorum qui sua amiserant; perfecitque æstimandis possessionibus, ut persuaderet aliis, ut pecuniam accipere mallent, possessionibus cederent; aliis, ut commodius putarent, numerari sibi, quod tanti esset, quam suum recuperare. Ita perfectum est, ut omnes, concordia constituta, sine querela, discederent.

O virum magnum, dignumque qui in nostra re publica natus esset! Sic par est agere cum civibus, non (ut bis jam vidimus†) hastam in foro ponere,et bona civium voci subjicere præconis. At ille Græcus, id quod fuit sapientis et præstantis viri, omnibus consulendum putavit. Eaque est summa ratio et sapientia boni civis, commoda civium non divellere, atque omnes æquitate eadem continere. Habitent gratis in alieno?‡ Quid ita? Ut, cum

* *Grandi pecunia:* one hundred and fifty talents.

† *Bis jam vidimus.* Under the dictatorship of Scylla, and of Cæsar. In the little state of Sicyon, all the blessings for which his country was indebted to the prudence of Aratus, were produced by his skilful application of 150 talents. But where could the mass of wealth have been discovered, sufficient to redress by its application in a similar mode, the evils produced by the enormous confiscations in the Roman state?

‡ *Habitent—alieno.* Some MSS. give *habitant;* one *habitet;* Toup suggests *habites;* which seems not improbable. Heuman, in his Parerga Crit. p. 26, thinks a sentence must have been here lost, in which allusion had been made to the Agrarian laws. The transition is, at present, certainly abrupt, but the sense is not incomplete.

ego emerim, ædificarim, tuear, impendam, tu, me invito, fruare meo? Quid est aliud, aliis sua eripere, aliis dare aliena? Tabulæ vero novæ* quid habent argumenti, nisi ut emas mea pecunia fundum: eum tu habeas, ego non habeam pecuniam?

CAP. XXIV. *Cavendum esse ne sit æs alienum. De valetudinis curatione, et pecuniæ.*

QUAM ob rem ne sit æs alienum, quod rei publicæ noceat, providendum est; quod multis rationibus caveri potest: non, si fuerit,† ut locupletes

* *Tabulæ novæ.* By which all debts and securities were cancelled, or reduced in a certain proportion, by public authority. The effect of such sweeping insolvent-acts must have been most pernicious, both on the morals and the fortunes of the citizens of Rome.

CHAPTER XXIV.

† *Non si fuerit.* The text is here perhaps defective. In different MSS. besides the present reading, we find, *Si non hoc fuerit; si non fuerit;* and *si hoc non fuerit.* The interpretation also differs: some refer the verb substantive to *ratio*, as its nominative; others, to *æs alienum.* J. M. Heusinger thus interprets, *Æs alienum multis rationibus caveri potest, si non fuerit ut locupletes suum perdant, debitores lucrentur alienum.* J. F. Heusinger, *non autem caveri potest ne sit æs alienum quod reipublicæ noceat, si ita ratio ineatur, ut locupletes suum perdant, &c.* Cicero's meaning probably is to warn the legislator, in case of the existence of numerous debts in a state, that his first duty is to protect the property of the lender, and that the borrower should not be allowed to enrich himself by his own fraud. This interpretation appears the more probable, as it is in-

suum perdant, debitores lucrentur alienum. Nec enim ulla res vehementius rem publicam continet, quam fides: quæ esse nulla potest, nisi erit necessaria solutio rerum creditarum. Numquam vehementius actum est, quam me consule, ne solveretur. Armis et castris* tentata res est ab omni genere hominum et ordine: quibus ita restiti, ut hoc tantum malum de re publica tolleretur. Numquam nec majus æs alienum fuit; nec melius nec facilius dissolutum est. Fraudandi enim spe sublata, solvendi necessitas consecuta est. At vero hic nunc victor, tum quidem victus, quæ cogitarat, ea perfecit, cum ejus jam nihil interesset.† Tanta

deed difficult for the wisest legislator to suggest means which can at all times prevent the thoughtless, the extravagant, or the unfortunate, from incurring debts, and to a considerable extent. In the event of a large mass of debt existing, experience had shown the impolicy of wiping off these debts, in whole or in part, by the practice of *tabulæ novæ*. If this interpretation be correct, the negative (of which the position varies remarkably in different MSS.) should perhaps be removed from before *fuerit*, and the following *ut* be read *ne;* or, *si fuerit* be read parenthetically, the text remaining as at present.

* *Armis et castris*, a proverbial expression: *by every means.*

† *Victus—interesset.* Cæsar's connexion with Cataline is here alluded to. By the wealth amassed in Gaul, and his subsequent success in the civil war, it is true that Cæsar's personal embarrassments might be at an end; but still, to his adherents, the measure of *tabulæ novæ* was probably indispensable. A. U. C. 704, the existing debts were reduced one-fourth: his reasons for resorting to this measure are stated, De Bell. Civ. iii. 1.

in eo peccandi libido fuit, ut hoc ipsum eum delectaret, peccare, etiam si caussa non esset.*

Ab hoc igitur genere largitionis, ut aliis detur, aliis auferatur, aberunt ii qui rem publicam tuebuntur; in primisque operam dabunt, ut juris et judiciorum æquitate suum quisque teneat: et neque tenuiores propter humilitatem circumveniantur, neque locupletibus ad sua vel tenenda vel recuperanda,† obsit invidia: præterea quibuscumque rebus vel belli vel domi poterunt, rem publicam augeant imperio, agris, vectigalibus. Hæc magnorum hominum sunt: hæc apud majores nostros factitata: hæc genera officiorum qui persequuntur, cum summa utilitate rei publicæ magnam ipsi adipiscentur et gratiam et gloriam.

In his autem utilitatum præceptis Antipater Ty-

* *Esset.* This invidious remark, that Cæsar's sole motive of action was the love of mischief for its own sake, should be contrasted with the extravagant adulation incessantly poured on him when in possession of power, by Cicero himself.

† — *recuperanda.* If the laws of a country shield the property of a dishonest debtor, they undoubtedly work great mischief. But where the insolvent really is unable to pay debts contracted without fraud, and is willing to surrender his whole remaining property to his creditors, it becomes equally unjust to punish with bondage, with stripes, or with long-enduring imprisonment, this unfortunate person. In Rome during the republic, both these errors were committed. The difficulties of forming a permanent arrangement between creditors and insolvents, by a *cessio bonorum*, must however be admitted to be considerable.

rius,* Stoicus, qui Athenis nuper est mortuus, duo præterita censet esse a Panætio, valetudinis curationem, et pecuniæ. Quas res a summo philosopho præteritas arbitror, quod essent faciles: sunt certe utiles.† Sed‡ valetudo sustentatur notitia sui corporis; et observatione, quæ res aut prodesse soleant, aut obesse; et continentia in victu omni atque cultu, corporis tuendi caussa: et prætermittendis voluptatibus; postremo arte eorum quorum ad scientiam hæc pertinent.

Res autem familiaris quæri debet iis rebus a quibus abest turpitudo: conservari autem diligentia et parsimonia: iisdem etiam rebus augeri. Has res commodissime Xenophon Socraticus persecutus est in eo libro qui Œconomicus inscribitur: quem nos, ista fere ætate cum essemus qua es tu nunc, [e Græco] in Latinum convertimus.

* *Tyrius.* He is also named Sidonius. Cato of Utica was his friend. Plut. in Vita.—Cicero elsewhere alludes to him as a poet. De Orat. xxx.

† *Sunt certe utiles.* These three words, Heuman considers as interpolated: J. M. Heusinger assents. This is by no means evident. Health and wealth the Stoics reckon not among bona, but amongst the commoda vitæ. Panætius passes over these topics; as Cicero thinks, on account of their facility, certainly not on account of their unimportance.

‡ *Sed.* This conjunction is introduced, as prefatory to a few remarks on the topics omitted by Panætius. J. M. Heus.

CAP. XXV. *De comparatione bonorum corporis cum externis.*

Sed utilitatum comparatio (quoniam hic locus erat quartus, a Panætio prætermissus)* sæpe est necessaria. Nam et corporis commoda cum externis, et externa cum corporis, et ipsa inter se corporis, et externa cum externis comparari solent. Cum externis, corporis, hoc modo comparantur: valere ut malis, quam dives esse. Cum corporis, externa hoc modo: dives esse potius,† quam maximis corporis viribus. Ipsa inter se corporis sic, ut bona valetudo voluptati anteponatur, vires celeritati. Externorum autem, ut gloria, divitiis, vectigalia urbana,‡ rusticis.

CHAPTER XXV.

* *Prætermissus.* Of four questions proposed; I. honestumne an non; II. Utilene an non; III. Ex duobus honestis, utrum honestius; IV. Ex duobus utilibus, utrum utilius; it is to be understood that Panætius had not treated the last.

† — *potius: ut velis*, is to be understood. J. M. Heus.

‡ *Vectigalia urbana.* The motives of preference of houses in towns, to farms, as a permanent investment of property, may have been principally the nonexistence of the class of men called farmers, possessing adequate capital and agricultural skill, which they were disposed to employ in cultivating the lands of others on payment of a yearly rent; and also the want of day-laborers for hire. Landed proprietors, in the Roman territory, either tilled their own estates by means of slaves, as is now the case in Russia and in our own sugar-colonies, or sometimes let

Ex quo genere comparationis illud est Catonis senis: a quo cum quæreretur, quid maxime in re familiari expediret? Respondit, "Bene pascere." "Quid secundum?" "Satis bene pascere." "Quid tertium?" "Male pascere." "Quid quartum?" "Arare."* Et, cum ille, qui quæsierat, dixisset, "Quid fenerari?" Tum Cato, "Quid hominem, [inquit] occidere?"† Ex quo, et multis aliis, in-

their land with the stock, to persons without capital, on condition of receiving a portion of the profit. In France, this was, till lately, and perhaps still is practised: farmers of this description are called *métayers*, from their rendering half the produce. The younger Pliny even preferred this mode: "Non nummo sed partibus locem, ac deinde ex meis aliquos operis exactores fructibus ponam." A comparison of the precarious returns made to landlords, by undertakings and engagements of this nature, with the steady rents paid by the occupiers of houses in towns, may have led to the preference stated in the text. A total alteration of circumstances, at the present day, leads to a different conclusion.

* *Arare.* In the latter days of the Roman republic, tillage must certainly have been an unprofitable application of capital. In order to gratify the lower orders, a heavy tribute in grain was exacted from the corn-bearing provinces, conveyed to Rome, and distributed gratis, or at a price merely nominal, among the indigent citizens: the Italian farmer must thus have been deprived, not merely of profit, but almost of any market; and was compelled to devote his land, nearly exclusively, to pasture.

† *Occidere.* This sweeping condemnation of usury, as it is called, should rather have been directed against those Roman laws which permitted it. and conferred rights, impolitic, unjust, and barbarous on the creditor. If the comparison with a murderer were just, how criminal were they who gave to the creditor this power, or permitted him to retain it! Instead of inveighing against the crime, effectual laws should have been devised to prevent its commission.

telligi debet, utilitatum comparationes fieri solere, recteque hoc adjunctum esse quartum exquirendorum officiorum genus.

Sed toto hoc de genere, de quærenda, de collocanda pecunia, etiam de utenda, commodius a quibusdam optimis viris ad Janum medium* sedentibus, quam ab ullis philosophis, ulla in schola, disputatur. Sunt tamen ea cognoscenda: pertinent enim ad utilitatem, de qua hoc libro disputatum est. Reliqua deinceps persèquemur.

* *Janum medium.* In this street, also alluded to by Horace, (Ep. i. 1. Sat. ii. 3. 18.) were the stands of the money-changers and leaders. *Optimis viris*, Cicero applies ironically; as, pro Rosc. c. 8 and 36, optimum virum, to a man of bad character, T. Roscius.

M. TULLII CICERONIS

DE OFFICIIS

AD

MARCUM FILIUM.

LIBER TERTIUS.

ARGUMENTUM.

HIC liber de comparatione honestatis et utilitatis agit, quæ erat tertia disputationis pars. Negat Cicero aut dubitandum esse aut unquam dubitari, an id quod utile videatur, honesto sit anteponendum; sed tempora incidere, quibus quod turpe haberi soleat, honestum videatur: tanquam quod turpe sit occidere aliquem, si tyrannus occidatur, non modo non turpe, sed etiam gloriosum videri, in quo non anteponitur utile honesto, sed honestas utilitatem sequitur. Itaque ut sine ullo errore dijudicari possit, si quando cum illo quod honestum intelligitur, pugnare id videbitur quod appellamus utile, formulam quandam constituit, e Stoicorum disciplina, quam si quis in comparatione rerum sequatur, nunquam ab officio recedat. Ea hæc est, detrahere aliquid alteri, et alterius incommodo suum augere commodum,

est contra naturam: pro multorum autem incolumitate et salute labores et molestias suscipere, secundum naturam est. Hanc legem qui servaverit, nunquam aberrabit neque aut temporibus perturbabitur, aut jure civili, quo quæ conceduntur turpia quidem plerisque non videntur, sed sunt tamen sæpissime, quum formulæ constitutæ h. e. legi naturæ, repugnant. Et hac formula deinde multas quæstiones propositas, quibus officium ex temporibus exquiritur, explicat.

CAP. I. *De otio Scipionis: non idem esse Ciceronis otium.*

Publium Scipionem, Marce fili, eum qui primus Africanus appellatus sit, dicere solitum scripsit Cato, qui fuit fere ejus æqualis,* "Numquam se minus otiosum esse, quam cum otiosus: nec minus solum, quam cum solus esset." Magnifica vero vox, et magno viro ac sapiente digna: quæ declarat, illum et in otio de negotiis cogitare, et in solitudine secum loqui solitum; ut neque cessaret unquam, et interdum colloquio alterius non egeret. Ita duæ res, quæ languorem afferunt ceteris, illum acuebant, otium et solitudo. Vellem nobis hoc idem dicere liceret: sed si minus imitatione tantam ingenii præstantiam consequi possumus, voluntate certe proxime accedimus. Nam et a re publica forensibusque negotiis armis impiis†

CHAPTER I.

* *Æqualis.* Cato the censor was some years younger than the first Scipio Africanus: when the latter was proconsul in Africa, Cato was his quæstor.

† *Armis impiis.* At this time, M. Antony, when he attended the senate, was accompanied by a guard of armed men. Phil. ii. and v.

vique prohibiti, otium persequimur: et ob eam caussam, urbe relicta, rura peragrantes, sæpe soli sumus.

Sed nec hoc otium cum Africani otio, nec hæc solitudo cum illa comparanda est. Ille enim requiescens a rei publicæ pulcherrimis muneribus otium sibi sumebat aliquando, et a cœtu hominum frequentiaque interdum, tamquam in portum, se in solitudinem recipiebat. Nostrum autem otium negotii inopia, non requiescendi studio, constitutum est. Exstincto enim senatu, deletisque judiciis,* quid est quod dignum nobis aut in curia aut in foro agere possimus?

Ita qui in maxima celebritate atque in oculis civium quondam viximus, nunc fugientes conspectum sceleratorum, quibus omnia redundant, abdimus nos, quantum licet, et sæpe soli sumus. Sed quia sic ab hominibus doctis accepimus, non solum ex malis eligere minima oportere; sed etiam excerpere ex his ipsis, si quid inesset boni; propterea et otio fruor, non illo quidem, quo debeat is qui quondam peperisset otium civitati; nec eam solitudinem languere patior, quam mihi adfert necessetas, non voluntas.

Quamquam Africanus majorem laudem meo judicio assequebatur. Nulla enim ejus ingenii monumenta mandata litteris, nullum opus otii, nullum solitudinis munus exstat. Ex quo intelligi debet, illum mentis agitatione, investigationeque earum

* *Deletisque judiciis: the administration of justice having ceased.* Brutus and Cassius, the prætors, had been obliged to leave Rome.

rerum quas cogitando consequebatur, neque otiosum nec solum unquam fuisse. Nos autem, qui non tantum roboris habemus, ut cogitatione tacita a solitudine abstrahamur, ad hanc scribendi operam omne studium curamque convertimus. Itaque plura brevi tempore eversa, quam multis annis stante re publica, scripsimus.

CAP. II. *Quibus invitamentis filium Cicero ad philosophiam adhortetur.*

Sed cum tota philosophia, mi Cicero, frugifera et fructuosa, nec ulla pars ejus inculta ac deserta sit; tum nullus feracior in ea locus est, nec uberior, quam de officiis, a quibus constanter honesteque vivendi præcepta ducuntur. Quare quamquam a Cratippo nostro, principe hujus memoriæ philosophorum,* hæc te assidue audire atque accipere confido, tamen conducere arbitror, talibus aures tuas vocibus undique circumsonare; nec eas, si fieri possit, quidquam aliud audire.

Quod cum omnibus est faciendum, qui vitam honestam ingredi cogitant, tum haud scio, an nemini† potius quam tibi. Sustines enim non

CHAPTER II.

* *Philosophorum. At the head of the philosophers of the present day.* Cicero will not put him on a level with the philosophers of antiquity, though, lib. ii. c. 2., the compliment is paid to him as being *iis simillimo.*

† *Nemini.* Thus, lib. i. Ep. i. ad Q. F., "Ut tibi tanti honores haberentur quanti haud scio an nemini. This is equivalent to *fortasse nemini.*

parvam exspectationem imitandæ industriæ nostræ, magnam honorum, non nullam fortasse nominis. Suscepisti onus præterea grave et Athenarum, et Cratippi: ad quos cum tanquam ad mercaturam bonarum artium sis profectus, inanem redire turpissimum est, dedecorantem et urbis auctoritatem, et magistri. Quare quantum conniti animo potes, quantum labore contendere (si discendi labor* est potius quam voluptas) tantum fac ut efficias:† neve committas, ut, cum omnia suppeditata sint a nobis, tute tibi defuisse videare. Sed hæc hactenus. Multa enim sæpe ad te cohortandi gratia scripsimus. Nunc ad reliquam partem propositæ divisionis revertamur.

Panætius igitur, qui sine controversia de officiis accuratissime disputavit, quemque nos, correctione quadam adhibita, potissimum secuti sumus, tribus generibus propositis, in quibus deliberare homines et consultare de officio solerent, uno, cum dubitarent, honestumne id esset, de quo‡ ageretur, an turpe: altero, utilene, an inutile: tertio, si id, quod speciem haberet honesti, pugnaret cum eo quod utile videretur, quo modo ea discerni oporteret; de duobus generibus primis, tribus libris

* *Discendi labor.* *If indeed the term labor can properly be applied to learning.* The expression in the text is elliptical. *Si discendi labor*, labor *potius est, quam voluptas.*

† *Fac ut efficias.* This pleonasm is used as more emphatical than *effice; be careful to effect.*

‡ *De quo.* Not properly *alterum de quo*, but *de quibus. De quo* may be interpreted *respecting which.*

explicavit: de tertio autem genere deinceps se scripsit dicturum, nec id exsolvit quod promiserat.

Quod eo magis miror, quia scriptum a discipulo ejus Posidonio est, triginta annis* vixisse Panætium postea quam eos libros edidisset. Quem locum miror a Posidonio breviter esse tactum in quibusdam commentariis; præsertim cum scribat, nullum esse locum in tota philosophia tam necessarium.

Minimè vero assentior iis, qui negant, eum locum a Panætio prætermissum, sed consulto relictum, nec omnino scribendum fuisse, quia numquam posset utilitas cum honestate pugnare. De quo alterum potest habere dubitationem, adhibendumne fuerit hoc genus, quod in divisione Panætii tertium est, an plane omittendum: alterum dubitari non potest, quin a Panætio susceptum sit, sed relictum. Nam qui e divisione tripartita duas partes absolverit, huic necesse est restare tertiam. Præterea in extremo libro tertio de hac parte pollicetur se deinceps esse dicturum.

Accedit eodem testis locuples, Posidonius, qui etiam scribit in quadam epistola, P. Rutilium Rufum† dicere solere, qui Panætium audierat, ut nemo pictor esset inventus, qui [Coæ] Veneris‡

* *Annis*, al. *annos*: of each of these constructions an instance is found, ii. 22, and 23.

† *Rutilium Rufum*. Lib. ii. 13.

‡ *Veneris*. Of this unfinished picture, Pliny speaks, xxxv. 10. "Apelles etiam inchoaverat Venerem Cois, superaturus etiam suam illam priorem. Invidit vero mors, peracta parte, nec qui succederet operi ad præscripta lineamenta inventus est."

eam partem, quam Apelles inchoatam reliquisset, absolveret (oris enim pulchritudo reliqui corporis imitandi spem auferebat) sic ea, quæ Panætius prætermisisset [et non perfecisset*] propter eorum, quæ perfecisset, præstantiam, neminem esse persecutum.

CAP. III. *In separandis utili et honesto periculum esse. Quid sit vivere convenienter naturæ.*

Quam ob rem de judicio Panætii† dubitari non potest: rectene [autem] hanc tertiam partem ad exquirendum officium adjunxerit, an secus, de eo fortasse disputari‡ potest. Nam sivi honestum, solum bonum est, ut Stoicis placet;§ sive quod honestum est, id ita summum bonum est, quem ad modum Peripateticis vestris videtur, ut omnia ex altera parte collocata, vix minimi momenti

* *Perfecisset.* The three words within braces are probably an interpolation: in many MSS. they do not appear. Bishop Pearce suggests *promisisset, et non perfecisset.*

CHAPTER III.

† *Judicio Panætii:* that, in the opinion of Panætius, this was a fit subject of inquiry, cannot be doubted.

‡ *Disputari:* al. *dubitari.* The verb *disputo*, in its original acceptation, does not imply discordance of opinion, but merely debate without contention. Mihi quidem videtur, *in utramque partem*, de tuo officio disputari posse. Ep. ad Fam. xi. 27. The present reading is, however, warranted by the greater number of MSS.

§ *Stoicis placet.* Paradox. i.

instar* habeant: dubitandum non est, quin numquam possit utilitas cum honestate contendere. Itaque accepimus, Socratem exsecrari solitum eos, qui, primum hæc natura cohærentia, opinione distraxissent. Cui quidem ita sunt Stoici assensi, ut et quidquid honestum esset, id utile esse censerent; nec utile quidquam, quod non honestum.

Quod si is esset Panætius,† qui virtutem propterea colendam diceret, quod ea efficiens utilitatis esset; ut ii, qui res expetendas vel voluptate, vel indolentia‡ metiuntur: liceret et dicere, utilitatem aliquando cum honestate pugnare. Sed cum sit is, qui id solum bonum judicet, quod honestum sit; quæ autem huic repugnent specie quadam utilitatis, eorum neque accessione meliorem vitam fieri, nec decessione pejorem: non videtur ejus modi debuisse deliberationem introducere, in qua, quod utile videretur, cum eo quod honestum est, compararetur.

Etenim quod summum bonum a Stoicis dicitur, convenienter naturæ vivere, id habet hanc, ut opinor, sententiam, cum virtute congruere§ semper:

* *Minimi momenti instar: not the least weight in the scale.*

† *Is esset Panætius: if Panætius was one of those.*

‡ *Indolentia: absence of pain and trouble.* This word, in the present sense, is probably peculiar to Cicero. He translates the summum bonum of Hieronymus of Rhodes, (which is by that philosopher termed ἀναλγησία,) "*Doloris omnis amotionem; ut ita dicam,* indolentiam." De Fin. ii. 3.

§ *Congruere.* The Stoics held that ὁμολογουμένως τῇ φύσει ζῆν, was not to be distinguished from κατ' ἀρετὴν ζῆν. Diog. Laert. vii. 87. To live in conformity with the law of na-

cetera autem, quæ secundum naturam essent, ita legere,* si ea virtuti non repugnarent. Quod cum ita sit, putant quidam, hanc comparationem non recte introductam, nec omnino de eo genere quidquam præcipiendum fuisse. Atque illud quidem honestum, quod proprie vereque dicitur, id in sapientibus est solis, neque a virtute divelli umquam potest. In iis autem, in quibus sapientia perfecta non est, ipsum illud quidem perfectum honestum, nullo modo, similitudines honesti esse possunt.

Hæc enim omnia officia, de quibus his libris disputamus, media Stoci† appellant. Ea communia sunt, et late patent: quæ et ingenii bonitate multi assequuntur, et progressione discendi. Illud autem officium, quod rectum iidem appellant, perfectum atque absolutum est, et, ut iidem dicunt, omnes numeros habet;‡ nec, præter sapientem, cadere in quemquam potest.

Cum autem aliquid actum est in quo media officia compareant, id cumulate videtur esse perfectum, propterea quod vulgus, quid absit a per-

ture, is certainly a rule capable of dangerous interpretation; but may be thus explained, that it is to live in conformity to the relations which nature has established.

* *Cetera—legere.* The rest, numbered by the Stoics among commoda, not bona; as health, wealth, glory; it was permitted to take up, *legere*;—not to pursue or wish for them.

† *Media.* Vide l. i. c. 3.

‡ *Omnes numeros habet. Has attained perfection.* A metaphor taken from the *Palæstra.* In those exercises, a man who excelled in every point was said "omnes numeros habere." Seneca de Benef. vii. c. 1. Quintil. xii. 2. 12.

fecto, non fere intelligit, quatenus autem intelligit, nihil putat prætermissum. Quod idem in poëmatis, in picturis usu venit, in aliisque compluribus, ut delectentur imperiti laudentque ea quæ laudanda non sint, ob eam, credo, caussam, quod insit in his aliquid probi, quod capiat ignaros, qui quidem, quid in una quaque re vitii sit, nequeant judicare. Itaque cum sint docti a peritis, desistunt facile sententia.

CAP. IV. *Honestum cum utilitatis repugnantia nunquam esse comparandum.*

Hæc igitur officia, de quibus his libris disserimus, quasi secunda quædam honesta esse dicunt, non sapientium* modo† propria, sed cum omni hominum genere communia. Itaque his omnes, in quibus est virtutis indoles,‡ commoventur. Nec vero cum duo Decii, aut duo Scipiones, fortes viri commemorantur, aut cum Fabricius, Aristidesve§ justi nominantur, aut ab illis fortitu-

CHAPTER IV.

* *Sapientium:* the genitive in this form is found in MSS. of highest authority.

† *Modo.* Heuman and both the Heusingers would exclude *modo.* It appears, however, necessary to complete the sense. These duties are incumbent not on the wise alone: they apply to the whole human race.

‡ *Indoles. A disposition to virtue.* Cum hac indole virtutum ac vitiorum. Liv. xxi. 4.

§ *Aristidesve.* J. M. Heusinger thinks *Aristidesve* an interpolation. In several MSS. he found *justus nominatur;* and *tamquam a sapiente.*

dinis, aut ab his justitiæ, tamquam a sapientibus, petitur exemplum. Nemo enim horum sic sapiens, ut sapientem volumus intelligi; nec ii, qui sapientes habiti et nominati, M. Cato et C. Lælius, sapientes fuerunt; ne illi quidem septem:* sed ex mediorum officiorum frequentia, similitudinem quamdam gerebant speciemque sapientium.

Quocirca nec id, quod vere honestum est, fas est cum utilitatis repugnantia† comparari: nec id, quod communiter appellamus honestum, quod colitur ab iis, qui bonos se viros haberi volunt, cum emolumentis unquam est comparandum. Tamque id honestum, quod in nostram intelligentiam cadit, tuendum conservandumque nobis est, quam illud, quod proprie dicitur vereque est honestum, sapientibus. Aliter enim teneri non potest, si quæ ad virtutem est facta progressio. Sed hæc quidem de iis, qui conservatione officiorum existimantur boni.

Qui autem omnia metiuntur emolumentis et commodis, neque ea volunt præponderari honestate, hi solent in deliberando honestum cum eo, quod utile putant, comparare: boni viri non so-

* *Septem.* The Seven Sages of Greece were Pittacus, Periander, Thales, Solon, Chilon, Cleobulus, and Bias. On account of their constant observation of the *middle duties*, they had arrived, as Cicero says, to some resemblance of that ideal character which constitutes the wise man—qui septem appellantur, eos qui ista subtilius quærunt, in numero sapientium non habent. Læl. 2.

† *Utilitatis repugnantia:* with the utility repugnant to it.

lent. Itaque existimo, Panætium, cum dixerit, homines solere in hac comparatione dubitare, hoc ipsum sensisse, quod dixerit, solere modo, non etiam oportere. Etenim non modo pluris putare quod utile videatur, quam quod honestum; sed hæc etiam inter se comparare, et in his addubitare, turpissimum est. Quid ergo est, quod non numquam dubitationem afferre soleat, considerandumque videatur? Credo, si quando dubitatio accidit, quale sit id de quo consideretur.

Sæpe enim tempore fit, ut, quod turpe plerumque haberi soleat, inveniatur non esse turpe. Exempli caussa ponatur aliquid quod pateat latius. Quod potest majus esse scelus, quam non modo hominem, sed etiam familiarem hominem occidere? Num igitur se astrinxit scelere, si qui tyrannum occidit, quamvis familiarem?* Populo quidem Romano non videtur, qui ex omnibus præclaris factis illud pulcherrimum existimat.

* *Occidit, quamvis familiarem?* Yes, certainly; not merely because the deed must be accompanied with treachery, and because, in a state of society and of peace, the laws alone should dispose of the lives of individuals; but because the abuse and the extension of these tyrannicide maxims have by experience been found to serve no better purpose than to furnish the leaders of factions with a pretext for successive assassinations; affording liberty no effectual protection. The consequences of admitting rules which commit the life and safety of each individual to the "spleen, fury, and fanaticism," of his neighbour, are ably exposed by Paley; M. and P. Phil. ii. 7., "On the necessity of General Rules." Cicero's intimacy with the assassins of Cæsar probably assisted to mislead him on this subject.

Vicit* ergo utilitas honestatem? Immo vero honestatem utilitas est consecuta. Itaque, ut sine ullo errore dijudicare possimus, si quando cum illo quod honestum intelligimus, pugnare id videbitur quod appellamus utile, formula quædam constituenda est, quam si sequemur in comparatione rerum, ab officio numquam recedemus.

Erit autem hæc formula Stoicorum rationi disciplinæque maxime consentanea: quam quidem his libris propterea sequimur, quod, quamquam et a veteribus Academicis, et a Peripateticis vestris† qui quondam iidem erant, quæ honesta sunt, anteponuntur iis quæ videntur utilia; tamen splendidius hæc ab eis disseruntur, quibus, quidquid honestum est, idem utile videtur, nec utile quidquam quod non honestum; quam ab iis, quibus honestum aliquid non utile, aut utile non honestum. Nobis autem nostra Academia magnam licentiam dat, ut quodcunque maxime probabile occurrat, id nostro jure liceat‡ defendere. Sed redeo ad formulam.

* *Vicit.* With allusion, probably, to the death of Cæsar.

† *Peripateticis vestris.* After Plato's death, his school divided: Aristotle became the head of that portion of it to which was given the name of Peripatetics; the remainder under the conduct of Xenocrates, retained the doctrines of Plato, and the appellation of Academics.

‡ *Licentiam dat ut—liceat.* Other instances of this redundant mode of expression are found, i. 3. *definiunt—ut—deffiniant.* iii. 8. *deliberantium—qui deliberant.*

CAP. V. *Hominem, naturæ obedientem, homini nocere non posse.*

Detrahere igitur [aliquid] alteri, et hominem hominis incommodo suum augere commodum, magis est contra naturam, quam mors, quam paupertas, quam dolor, quam cetera, quæ possunt aut corpori accidere, aut rebus externis. Nam principio tollit convictum humanum et societatem. Si enim sic erimus affecti, ut propter suum quisque emolumentum spoliet, aut violet alterum, dirumpi necesse est eam, quæ maxime est secundum naturam, humani generis societatem.

Ut, si unum quodque membrum sensum hunc haberet, ut posse putaret se valere, si proximi membri valetudinem* ad se traduxisset, debilitari et interire totum corpus necesse esset: sic, si unus quisque nostrum ad se rapiat commoda aliorum, detrahatque quod cuique possit, emolumenti sui gratia, societas hominum et communitas evertatur necesse est. Nam, sibi ut quisque malit, quod ad usum vitæ pertineat, quam alteri, acquirere, concessum est, non repugnante natura: illud natura non patitur, ut aliorum spoliis nostras facultates, copias, opes augeamus.

Neque vero hoc solum natura, id est jure gen-

CHAPTER V.

* *Valetudinem. The strength and powers.*

tium,* sed etiam legibus populorum,† quibus in singulis civitatibus res publica continetur, eodem modo constitutum est, ut non liceat sui commodi caussa nocere alteri. Hoc enim spectant leges, hoc volunt; incolumem esse civium conjunctionem: quam qui dirimunt, eos morte, exsilio, vinclis, damno‡ coërcent. Atque hoc multo magis efficit ipsa naturæ ratio, quæ est lex divina et humana,§ cui parere qui velit (omnes autem parebunt qui secundum naturam volunt vivere) numquam committet, ut alienum appetat, et id, quod alteri detraxerit, sibi assumat.

Etenim [multo] magis est secundum naturam excelsitas animi et magnitudo, itemque communitas, justitia, liberalitas, quam voluptas, quam vita, quam divitiæ: quæ quidem contemnere, et pro nihilo ducere, comparantem cum utilitate communi, magni animi et excelsi est. Detrahere ergo de altero sui commodi caussa, magis est contra naturam, quam mors, quam cetera generis ejusdem.

* *Jure gentium.* These words are not to be taken in their modern acceptation; but import, *the rules of moral government taught by reason to men of all nations;* corresponding with our *law of nature*, as distinguished from social institutions. Tusc. i. 13. "Consensio quædam gentium lex naturæ putanda est."

† *Populorum.* The municipal law of each country is the second ground of support of his formula.

‡ *Damno.* *By fines or penalties.*

§ *Divina et humana.* Lex est ratio summa, insita in natura quæ jubet ea quæ facienda sunt, prohibetque contraria. De Legg. i. 6. Conformity with right reason forms the third support.

Itemque magis est secundum naturam, pro omnibus gentibus, si fieri possit, conservandis, aut juvandis maximos labores molestiasque suscipere, imitantem Herculem illum, quem hominum fama, beneficiorum memor,* in concilio cœlestium collocavit, quam vivere in solitudine, non modo sine ullis molestiis, sed etiam maximis voluptatibus, abundantem omnibus copiis, ut excellas etiam pulchritudine et viribus. Quocirca optimo quisque et splendidissimo ingenio longe illam vitam huic anteponit. Ex quo efficitur, hominem naturæ obedientem, homini nocere non posse.

Deinde qui alterum violat, ut ipse aliquid commodi consequatur; aut nihil se existimat contra naturam facere; aut magis fugiendam censet mortem, paupertatem, dolorem, amissionem etiam liberorum, propinquorum, amicorum, quam facere cuipiam injuriam. Si nihil existimat contra naturam fieri hominibus violandis, quid cum eo disseras, qui omnino hominem ex homine tollat? Sin fugiendum id quidem censet, sed multo illa pejora mortem, paupertatem, dolorem; errat in eo, quod illum aut corporis, aut fortunæ vitium, animi vitiis gravius existimat.

CAP. VI. *Eandem esse uniuscujusque et universorum utilitatem: præcepta ad judicandum cum hæ duæ utilitates videntur contrariæ.*

Ergo unum debet esse omnibus propositum, ut

* *Hominum—memor. Whom his reputation among men, and the memory of benefits conferred.* Jure igitur gravis, cujus de laudibus omnium esset fama consentiens. Cat. Maj. 17.

eadem sit utilitas unius cujusque et universorum :* quam si ad se quisque rapiet, dissolvetur omnis humana consortio. Atque etiam si hoc natura præscribit, ut homo homini, quicumque sit, ob eam ipsam caussam quod is homo sit, consultum velit, necesse est secundum eamdem naturam, omnium utilitatem esse communem. Quod si ita est, una continemur omnes et eadem lege naturæ: idque ipsum si ita est, certe violare alterum, naturæ lege prohibemur. Verum autem primum, verum igitur extremum.

Nam illud quidem absurdum est, quod quidam dicunt, parenti se, aut fratri nihil detracturos, commodi sui caussa ; aliam rationem esse civium reliquorum. Hi sibi nihil juris, nullam societatem, communis utilitatis caussa statuunt esse cum civibus : quæ sententia omnem societatem distrahit civitatis. Qui autem civium rationem dicunt habendam, externorum, negant, hi dirimunt communem humani generis societatem ; qua sublata, beneficientia, liberalitas, bonitas, justitia funditus tollitur. Quæ qui tollunt, etiam adversus deos immortales impii judicandi sunt. Ab iis enim constitutam inter homines societatem evertunt :

CHAPTER VI.

* *Eadem—universorum.* By the active endeavour of each individual to improve his own lot, the prosperity of the community is best advanced : That the good of the public should be in the view of each individual as strongly and as often as his own particular benefit, is neither to be expected, nor is it necessary. In pursuing the latter object, he should guard against its clashing with the public good ; in case they interfere, he should in that instance give up his pursuit.

cujus societatis artissimum vinculum est, magis arbitrari esse contra naturam, hominem homini detrahere sui commodi caussa, quam omnia incommoda subire vel externa, vel corporis, vel etiam ipsius animi, quæ vacent injustitia.* Justitia enim una virtus omnium est domina et regina virtutum.

Forsitan quispiam dixerit, nonne igitur sapiens, si fame ipse conficiatur, abstulerit cibum alteri, homini ad nullam rem utili? Minime vero. Non enim mihi est vita mea utilior, quam animi talis affectio, neminem ut violem, commodi mei gratia. Quid? si Phalarim, crudelem tyrannum et immanem vir bonus, ne ipse frigore conficiatur, vestitu spoliare possit, nonne faciat?

Hæc ad judicandum sunt facillima. Nam si quid ab homine ad nullam partem utili, tuæ utilitatis caussa detraxeris, inhumane feceris, contraque

* *Quæ vacent injustitia.* In this difficult passage, the MSS. vary. *Quæ vacent justitia. Quæ non vacent justitia. Quæ vacent. Justitia hæc enim una virtus*, &c. Different emendations have been proposed. Gronovius for *quæ* would read, *ne vacet justitia.* Bishop Pearce, to whom Toup assents, *Quia vacat* (or *vacet*) *justitia.* The reading in the text appears warranted but by one MS., but is preferred by Facciolati, J. F. Heusinger, and Gesnhard, and interpreted; *to which injustice on your own part is not imputable.* Scheller, (Obss. in prisc. script. Lips.: 1785, p. 231) adopts the reading, *quæ vacent justitia;* and explains, licet vacent justitia: that it should be viewed as a greater contravention of the laws of nature, for a man to strip another of his property, merely for the sake of his own convenience, than to endure, himself, all sorts of external suffering, of body, or even of mind; *even of an unjust nature.*

naturæ legem. Sin autem is tu sis, qui multam utilitatem rei publicæ atque hominum societati, si in vita remaneas, afferre possis; si quid, ob eam caussam,* alteri detraxeris, non sit reprehendendum. Sin autem id non sit ejus modi, suum cuique incommodum ferendum est potius, quam de alterius commodis detrahendum.† Non igitur magis est contra naturam morbus, aut egestas, aut quid hujus modi, quam detractio, aut appetitio alieni: sed communis utilitatis derelictio contra naturam est; est enim injusta. Itaque lex ipsa naturæ, quæ utilitatem hominum conservat et continet, decernit profecto, ut ab homine inerti atque inutili ad sapientem, bonum, fortem virum transferantur res ad vivendum necessariæ; qui, si occiderit, multum de communi utilitate detraxerit; modo hoc ita faciat, ut ne ipse de se bene existimans, seseque diligens, hanc caussam habeat ad

* *Ob eam caussam.* On account of your own great value in society.

† *Commodis detrahendum.* Many acts done for the preservation of life may fairly be considered, in extreme cases, as exceptions to general rules. Injuries done under such circumstances, of a pecuniary nature, may afterwards be compensated fifty fold. "To say the truth, these extreme cases which happen seldom, and hardly, when they do happen, admit of any moral agency, are scarcely worth mentioning, much less debating." Paley's El. of M. and P. Ph. iv. 1. Cicero's language is not indeed very dogmatical: *Suum cuique incommodum ferendum:* and pretty considerable latitude is left, in the permission to each person to use his own discretion in appreciating his own merit. In doing this, and on such an occasion in particular, the error likely to be committed, would certainly not be by undervaluing them.

injuriam. Ita semper officio fungetur, utilitati consulens hominum, et ei, quam sæpe commemoro, humanæ societati.

Nam quod ad Phalarim* attinet, perfacile judicium est. Nulla enim nobis societas cum tyrannis, et potius summa distractio est: neque est contra naturam, spoliare eum, si possis, quem est honestum necare:† atque hoc omne genus pestiferum atque impium ex hominum communitate exterminandum est. Etenim ut membra quædam amputantur, si et ipsa sanguine et tamquam spiritu carere cœperunt, et nocent reliquis partibus corporis; sic ista in figura hominis feritas et immanitas beluæ, a communi tamquam humanitatis corpore‡ segreganda est. Hujus generis sunt

* *Phalarim.* L. ii. 7.

† *Nulla—necare. We have no common ties which unite us with tyrants, but rather there is between us the strongest repulsion; nor is it a violation of the laws of nature to deprive, if you can, that man of his property, whom it was meritorious to deprive of his life.* This sentence appears equally ill-founded in its premises, and in its conclusion. We can have no right to assassinate any person; but if we had, the right to rob him also would not be consequent on it. Crimes would multiply exceedingly, if their punishment were to be the confiscation of the offenders' goods, for the benefit of any person who could appropriate them, by murdering the supposed criminal.

‡ *Communi corpore.* The distinction here intended seems between those who are allowed to have only the external appearance of men, but who in their nature are brutes, namely, tyrants; and those who really belong in every point to the human species. From the latter *communi humanitatis corpore*, these tyrants, (having, as is said in our ancient law, of men excommunicated, *caput lupinum*) are to be cut off.

quæstiones omnes eæ, in quibus, ex tempore,* officium exquiritur.

CAP. VII. *Honestum vel unice vel maxime esse expetendum.*

Ejus modi igitur credo res Panætium persecuturum fuisse, nisi aliqui casus, aut occupatio, consilium ejus peremisset.† Ad quas ipsas consultationes ex superioribus libris satis multa præcepta sunt, quibus perspici possit, quod sit propter turpitudinem fugiendum; quid idcirco fugiendum non sit, quod omnino turpe non est. Sed quoniam operi inchoato, prope tamen absoluto, tanquam fastigium‡ imponimus: ut geome-

* *Ex tempore. From circumstances. Sæpe enim tempore fit, ut quod turpe plerumque haberi soleat, inveniatur non esse turpe.* iii. 4.

CHAPTER VII.

† *Peremisset.* "Nove usus est verbo *perimendi;* nisi forte mendum subest, et legendum est *prævenisset.*" Erasm. In other instances, however, both the verb and the participle are employed by Cicero in the sense of *complete termination.* Pro. Sext. 22. "Si causam publicam mea mors peremisset." De Harusp. Resp. c. 11. "Si ludi non prætermissi, sed perempti atque sublati sunt." Tusc. Q. 1. 37. "Non potest miser esse quisquam, sensu peremto." From the verb in this sense, seems derived the legal term *peremtorius ;* conclusive; putting an end to further controversy.

‡ *Fastigium.* "Id est summam manum: ab ædificiis translatum, quibus perfectis, conus aliquis imponitur in summo." Erasm.

træ solent non omnia docere, sed postulare, ut quædam sibi concedantur, quo facilius, quæ volunt, explicent: sic ego a te postulo, mi Cicero, ut mihi concedas, si potes, nihil, præter id, quod honestum sit, propter se esse expetendum. Sin hoc non licet per Cratippum: at illud certe dabis, quod honestum sit, id esse maxime propter se expetendum. Mihi utrumvis satis est: et tum hoc, tum illud probabilius videtur, nec præterea quidquam probabile.

Ac primum Panætius in hoc defendendus est, quod non utilia cum honestis pugnare aliquando posse dixerit (neque enim ei fas erat*) sed ea, quæ viderentur utilia. Nihil vero utile, quod non idem honestum: nihil honestum, quod non idem utile sit, sæpe testatur: negatque ullam pestem majorem in vitam hominum invasisse, quam eorum opinionem, qui ista distraxerint. Itaque non ut aliquando anteponeremus utilia honestis, sed ut ea sine errore dijudicaremus, si quando incidissent, induxit eam, quæ videretur esse, non quæ esset, repugnantiam. Hanc igitur partem relictam explebimus, nullis adminiculis, sed, ut dicitur, Marte nostro.† Neque enim quidquam de hac parte post Panætium explicatum est, quod quidem

* *Fas erat.* That is, as Panætius was a Stoic, such an assertion would have been in direct contradiction to his own principles.

† *Marte nostro.* "Proverbialiter a militia translatum, ubi *suo marte* rem gerere dicebantur, qui nullis auxiliaribus copiis adjuti committerent." Erasm.

mihi probaretur, de iis,* quæ in manus meas venerint.

CAP. VIII. *Quod honestum non est, id nec utile esse: hæc duo male separari.*

Cum igitur aliqua species utilitatis objecta est, commoverit† necesse est: sed si, cum animum attenderis, turpitudinem videas adjunctam ei rei, quæ speciem utilitatis attulerit, tum non utilitas relinquenda est, sed intelligendum, ubi turpitudo sit, ibi utilitatem esse non posse. Quod si nihil est tam contra naturam, quam turpitudo (recta enim, et convenientia, et constantia natura desiderat, aspernaturque‡ contraria) nihilque tam secun-

* *De iis.* For, *ex iis;* as, Corn. N. in Themist. c. 9. "Thucydidi credo, qui ætate proximus de iis qui illorum temporum historiam reliquerunt."

CHAPTER VIII.

† *Commoveri. Animum* is introduced in one MS. cited by Bishop Pearce; in others, *nos.* Facciolati, on what authority is not known, alters to *commoveare.* With the present reading which is found in most MSS. and early editions, *te* may be understood.

‡ *Aspernatur.* The etymology and exact import of this verb are in dispute: some derive it from *ad* and *sperno;* others, from *a* and *sperno.* The etymology of that verb itself is indeed uncertain. J. F. Heusinger suggests that as from *alter* are formed *altero* and *alterno,* so from *asper* may have been formed *aspero* and *aspernor.* This adjective in one sense seems to have been employed for *averse from,* as Æn. viii. 365. "Rebusque veni non asper egenis."

dum naturam quam utilitas; certe in eadem re utilitas et turpitudo esse non potest. Itemque si ad honestatem nati sumus, eaque aut sola expetenda est, ut Zenoni visum est, aut certe omni, pondere* gravior habenda, quam reliqua omnia, quod Aristoteli placet; necesse est, quod honestum sit, id esse aut solum, aut summum bonum: quod autem bonum, id certe utile: ita quidquid honestum, id utile.

Quare error hominum non proborum, cum aliquid, quod utile visum est, arripuit, id continuo secernit ab honesto. Hinc sicæ, hinc venena, hinc falsa testamenta nascuntur: hinc furta, peculatus, expilationes direptionesque sociorum et civium: hinc opum nimiarum potentiæ non ferendæ: postremo etiam in liberis civitatibus regnandi exsistunt cupiditates, quibus nihil nec tætrius, nec fœdius excogitari potest. Emolumenta enim rerum fallacibus judiciis vident: pœnam non dico legum, quas sæpe perrumpunt, sed ipsius turpitudinis, quæ acerbissima est, non vident.

Quam ob rem hoc quidem deliberantium genus pellatur e medio (est enim totum sceleratum et impium) qui deliberant, utrum id sequantur, quod honestum esse videant, an se scientes scelere contaminent. In ipsa enim dubitatione facinus inest, etiam si ad id non pervenerint. Ergo ea deliberanda omnino non sunt, in quibus est turpis

* *Pondere.* Another metaphor taken from the balance, iii. 2. note, 4. Quam vim habet libra illa Critolai: qui cum in alteram lancem animi bona imponat, in alteram, corporis et externa, tantum propendere illam boni lancem ·tat, ut terram et maria deprimat. Tusc. v. 17.

ipsa deliberatio. Atque etiam ex omni deliberatione, celandi et occultandi spes opinioque removenda est. Satis enim nobis, si modo in philosophia aliquid profecimus, persuasum esse debet, si omnes deos hominesque celare possimus, nihil tamen avare, nihil injuste, nihil libidinose, nihil incontinenter esse faciendum.

CAP. IX. *Nihil spe occultandi sceleris committendum esse.*

Hinc ille Gyges inducitur a Platone;* qui, cum terra discessisset magnis quibusdam imbribus, in illum hiatum descendit, æneumque equum, ut ferunt fabulæ,† animadvertit, cujus in lateribus fores essent: quibus apertis, hominis mortui vidit corpus magnitudine inusitata, annulumque aureum in digito; quem ut detraxit, ipse induit (erat autem regius pastor) tum in consilium se pastorum recepit. Ibi cum palam ejus annuli ad palmam‡ converteret, a nullo videbatur, ipse autem omnia

CHAPTER IX.

* *Platone.* Gyges, after murdering Candaules, King of Lydia, usurped the sovereignty. Plat. de. Repub. ii. Herodot. i. 8. Justin. i. 7. The facility with which a man in his humble condition succeeded in such an enterprise gave birth probably to the fabulous part of the story.

† *Ut ferunt fabulæ.* Cicero pursues the words of Plato:—Καὶ ἰδεῖν ἄλλα τε δὴ, ἃ μυθολογοῦσι, θαυμαστὰ, καὶ ἵππον χαλκοῦν, κοῖλον, θυρίδας ἔχοντα.

‡ *Ad palmam.* Turning it to the *inside* of the hand, εἰς τὸ εἴσω τῆς χειρός.

videbat. Idem rursus videbatur, cum in locum* annulum inverterat. Itaque hac opportunitate annuli usus, reginæ stuprum intulit, ea [que] adjutrice, regem dominum interemit, sustulit† quos obstare arbitrabatur: nec in his eum facinoribus quisquam potuit videre. Sic repente annuli beneficio, rex exortus est Lydiæ. Hunc igitur ipsum annulum si habeat sapiens, nihilo plus sibi licere putet peccare, quam si non haberet. Honesta enim bonis viris,‡ non occulta quæruntur.

Atque§ hoc loco philosophi quidam, minime mali illi quidem, sed non satis acuti, fictam et commenticiam fabulam prolatam dicunt a Platone: quasi vero ille, aut factum id esse, aut fieri potuisse defendat.|| Hæc est vis hujus annuli et hujus exempli, si nemo sciturus, nemo ne suspicaturus quidem sit, cum aliquid divitiarum, potentiæ, dominationis, libidinis caussa feceris, si id diis

* *In locum.* sc. *qui convenien erat;* that is, turning in externally.

† *Sustulit:* al. *sustulitque.*

‡ *Bonis viris.* Some commentators, considering these words as in the dative, and in construction with a verb passive, which is not very common, here suspect an error. But the obvious construction appears to be, in the ablative. One MS. and but one, reads *boni viri* and *quærunt.*

§ *Atque.* Bishop Pearce here gives *Atqui*, probably rightly; though his reading has not been found confirmed by any MS. The same correction has been adopted in the next chapter; and probably should also be adopted in L. i. c. 40. *Atque hoc idem Sophocles.*

|| *Defendat.* *Asserted, maintained.* Thus de Orat. ii. 38. "Carneades nullam umquam in illis suis disputationibus rem defendit quam non probarit;" and c. 50. "Sed meritam ac debitam fuisse defenderis."

hominibusque futurum sit semper ignotum, sisne facturus. Negant id fieri posse. Quamquam potest id quidem:* sed quæro, quod negant posse, id si posset, quidnam facerent? Urgent rustice† sane. Negant enim posse, et in eo perstant. Hoc verbum‡ quid valeat, non vident. Cum enim quærimus, si celare possint quid facturi sint; non quærimus, possintne celare: sed tanquam tormenta quædam adhibemus, ut, si responderint, se, impunitate proposita, facturos quod expediat, facinorosos se esse fateantur: si negent, omnia turpia

* *Quamquam—quidem.* This reading appears in all MSS. For *quamquam*, the youngest Aldus conjectured that *nequaquam* should be read. Bishop Pearce, Ernesti, J. M. Heusinger, and at one time Gesner, assented. Gesner indeed subsequently retracted this opinion and adhered to the common reading, under the supposition that *negari* was understood. Other editors have on conjecture inserted, non: *quamquam* non *potest.* For *nequaquam*, J. F. Heusinger at one time proposed *nunquam.* The ancient scribes were in the habit of abbreviating these and similar particles, which are consequently too often confounded. It is however not unlikely, that these four words are a gloss of some Epicurean transferred from the margin. If really Cicero's, his meaning may have been, merely to assert the possibility of such concealment; that it is imaginable.

† *Rustice.* They are stupid enough not to be aware, that it is for the argument's sake alone, they are asked to admit the possibility of this concealment; and that it does not follow that this possibility is seriously maintained by any person, because they are asked to admit it.

‡ *Hoc verbum.* That is the verb *posse*, or the conditional phrase *si posset.* This person cannot comprehend the difference between a conditional and a positive affirmation.

per se ipsa fugienda esse concedant. Sed jam ad propositum revertamur.

CAP. X. *Ubi deest honestas ibi nullam esse utilitatem. Omnibus rebus, excepta justitia, amicitiam anteponendam esse.*

Incidunt multæ sæpe caussæ, quæ conturbent animos utilitatis specie; non, cum hoc deliberetur, relinquendane sit honestas propter utilitatis magnitudinem (nam id quidem improbum est) sed illud, possitne id, quod utile videatur, fieri non turpiter. Cum Collatino* collegæ Brutus imperium abrogabat, poterat videri facere injuste. Fuerat enim in regibus expellendis, socius Bruti, consiliorum et adjutor. Cum autem consilium hoc principes cepissent, cognationem Superbi, nomenque Tarquiniorum et memoriam regni esse tollendam: quod erat utile, patriæ consulere, id erat ita honestum, ut etiam ipsi Collatino placere deberet. Itaque utilitas valuit propter honestatem, sine qua ne utilitas quidem esse potuisset.

CHAPTER X.

* *Collatino.* The husband of Lucretia, L. Tarquinius Collatinus, was grandson of Aruns brother of Tarquinius Priscus. Liv. i. 46 and 57. Though his exertions in the expulsion of the Tarquins had been equally meritorious with those of Brutus, with whom he had been united in the first consulate, yet suspicions arose, founded merely on his connexion with the exiled family; a law passed depriving him of his office; and he was driven into banishment with the other relations of the Tarquin family.

At in eo rege, qui urbem condidit, non item. Species enim utilitatis animum pepulit ejus: cui cum visum esset utilius, solum, quam cum altero regnare, fratrem interemit. Omisit hic et pietatem, et humanitatem, ut id, quod utile videbatur, neque erat, assequi posset: et tamen muri* caussam opposuit, speciem honestatis neque probabilem, nec sane idoneam. Peccavit igitur, pace vel Quirini,† vel Romuli, dixerim.

Nec tamen nostræ nobis utilitates omittendæ sunt, aliisque tradendæ, cum his ipsi egeamus; sed suæ cuique utilitati, quod sine alterius injuria fiat, serviendum est. Scite Chrysippus,‡ ut multa. Qui stadium, inquit, currit, eniti et contendere debet, quam maxime possit, ut vincat: supplantare eum, quicum certet, aut manu depellere, nullo modo debet. Sic in vita sibi quemque petere, quod pertineat ad usum, non iniquum est: alteri deripere, jus non est.

Maxime autem perturbantur officia, in amicitiis: quibus et non tribuere, quod recte possis, et tribuere, quod non sit æquum, contra officium est. Sed hujus generis totius, breve et non difficile præceptum est. Quæ enim videntur utilia, honores, divitiæ, voluptates, cetera generis ejusdem, hæc amicitiæ nunquam anteponenda sunt.

* *Mari.* T. Liv. i. 7.

† *Quirini.* A covert allusion, perhaps, to his deification; notwithstanding which, his conduct is censured as criminal.

‡ *Chrysippo.* A leader of the Stoics, third in succession from Zeno. His works were numerous. Diog. Laert. L. vii.

At neque contra rem publicam, neque contra jus jurandum ac fidem, amici caussa, vir bonus faciet; ne si judex quidem erit de ipso amico. Ponit enim personam amici, cum induit judicis. Tantum dabit amicitiæ, ut veram amici caussam esse malit; ut orandæ litis tempus, quoad per leges* liceat, accommodet.

Cum vero jurato sententia dicenda sit, meminerit, deum se adhibere testem, id est, ut ego arbitror, mentem suam,† qua nihil homini dedit deus ipse divinius. Itaque præclarum a majoribus accepimus morem rogandi judicis, si eum teneremus, quæ salva fide facere possit.‡ Hæc rogatio

* *Quoad per leges.* The delay allowed to the litigant party by the judge, either comports with the laws and the practice of the court, or it does not.—In the first case, it is no favour, or act of friendship, but is due of right to all suitors.—In the other case, if the delay were allowed by way of favour, if the judge, in order to accommodate one litigant party, his own personal friend, and not in conformity with the usual practice, takes on him to fix, or put off, the day of hearing, injustice would clearly be done to the other party, and the judge would violate his duty.

† *Deum—mentem suam.* The divinity of the mind, as taught by Plato Leg. x., had been before maintained by Cicero, under the person of Scipio Africanus. Somn. Scip. "Deum te igitur scito esse: siquidem deus est qui viget, qui sentit, qui meminit, qui providet, qui tam regit et moderatur et movet id corpus, cui præpositus est quam hunc mundum princeps ille Deus," &c.

‡ *Facere possit.* Another proof here arises of the practice existing in Rome, as in France, of soliciting judges, and of its abuses.—*From our ancestors we receive an excellent custom* (if we but adhere to it) *of soliciting or petitioning a judge in these words: if with a safe conscience—if it can honourably be done.*

ad ea pertinet, quæ paullo ante dixi honeste amico a judice posse concedi. Nam, si omnia facienda sunt, quæ amici velint, non amicitiæ tales; sed conjurationes putandæ sunt.

Loquor autem de communibus amicitiis. Nam, in sapientibus viris perfectisque, nihil potest esse tale. Damonem et Phintiam,* Pythagoreos, ferunt hoc animo inter se fuisse, ut, cum eorum alteri Dionysius tyrannus diem necis destinavisset, et is, qui morti addictus esset, paucos sibi dies, commendandorum† suorum caussa, postulavisset; vas factus est‡ alter ejus sistendi; ut, si ille non revertisset, moriendum esset ipsi. Qui cum ad diem se recepisset, admiratus eorum fidem tyrannus, petivit, ut se ad amicitiam tertium adscriberent. Cum igitur id, quod utile videtur in amicitia, cum eo, quod honestum est, comparatur, jaceat utilitatis species, valeat honestas. Cum autem in amicitia, quæ honesta non sunt, postu-

* *Phintiam.* The name is thus given by Plutarch; *περὶ πολυφιλίας.* 93. By others, *Pythias.* Valer. Max. iv. 7.

† *Commendandorum. Commendare suos vel sua.* To deliver into the care or protection of another.

‡ *Ut—factus est. Ut*, followed by a verb in the indicative, having shocked the purists, several editors, without authority, would expunge the conjunction: others, also, without authority, indeed without thinking any besides their own opinion necessary, change *est*, into *sit*. At length, by the two last editors, the text is restored; but this passage is reckoned among Cicero's Anacolutha. Critics and editors are at perfect liberty to give what term they please to their author's modes of construction, and what form they please to their own; but not the most elevated among them has any right, unless there be manifest error, to meddle with the text.

labuntur, religio et fides anteponatur* amicitiæ. Sic habebitur is, quem exquirimus, delectus officii.

CAP. XI. *Utilitatis specie in republica sæpissime peccari: quanto sit honori rebuspublicis, honesta utilibus præferre.*

Sed utilitatis specie in re publica sæpissime peccatur, ut in Corinthi disturbatione, nostri.† Durius etiam Athenienses, qui sciverunt, ut Æginetis, qui classe valebant, pollices præciderentur.‡

* *Anteponatur:* al. *anteponantur. Religio* and *fides* are here used nearly in the same sense; and the MSS. nearly all, coincide in giving the verb in the singular. Thus, *tempus necessitasque postulat*, i. 23. *victus cultusque—referatur.* i. 30. *societas hominum et communitas evertatur*, iii. 5.

CHAPTER XI.

† *Nostri. Peccaverunt*, or *fecerunt*, must be understood; probably the latter verb, as it is implied after *Athenienses*, in the following sentence.

‡ *Æginetis—præciderentur.* After the battle of Salamis, the prize of valour was awarded to the seamen of this island. Herodot. viii. c. 3. Though it was not 25 miles in circumference, yet as it was situate within ten miles of the coast of Attica, jealousy and mutual suspicions may naturally have arisen between the inhabitants of each, and mutual injuries probably have been inflicted. The Athenians, on the occasion mentioned in the text, were undoubtedly guilty of an act of great barbarity; but it sinks into insignificance when compared with several other such

Hoc visum est utile. Nimis enim imminebat, propter propinquitatem,* Ægina Piræo. Sed nihil, quod crudele, utile. Est enim hominum naturæ, quam sequi debemus, maxime inimica crudelitas.

Male etiam qui peregrinos urbibus uti† prohibent, eosque exterminant, ut Pennus apud patres nostros, Papius nuper.‡ Nam esse pro cive, qui civis non sit, rectum est non licere: quam tulerunt legem sapientissimi consules Crassus et Scævola:§ usu vero urbis prohibere peregrinos,

acts, committed by the Romans themselves: for instance, one in Cicero's own time, of which we have the narration from the man who committed the deed; at the same time boasting of his humanity. De Bell. Gall. viii. 36. Cæsar cut off the *hands* of all those who had borne arms in the defence of Uxellodunum!—The inhabitants of Ægina were incapacitated from managing the oar—but how were the miserable, mutilated objects of Cæsar's inhumanity to prolong their existence?—How many of them must have perished by famine, slowly, and in misery?

* *Propter propinquitatem.* To these two words Ernesti objects, as not genuine: their sense, he thinks, implied in *imminebat.* But this verb does not necessarily imply contiguity. Cum præpotens terra marique Carthago—huic imperio immineret: pro Balb. 14.

† *Urbitus uti. To make their abode within the territory.*

‡ *Papius nuper.* M. Junius Pennus was tribune of the people, A. U. C. 627; C. Papius, A. U. C. 688. If the object of each of these laws was the exclusion from Rome of persons not citizens, neither of them seems to have accomplished it.

§ *Scævola.* Licinius Crassus and Q. Mucius Scævola were consuls, A. U. C. 658. This law was named Lex Licinia et Mucia; and directed all natives of Italy to take

sane inhumanum est. Illa præclara, in quibus publicæ utilitatis species præ honestate contemnitur. Plena exemplorum est nostra res publica, cum sæpe alias,* tum maxime bello Punico secundo: quæ, Cannensi calamitate accepta, majores animos habuit quam unquam rebus secundis.† Nulla timoris significatio, nulla mentio pacis. Tanta vis est honesti, ut speciem utilitatis obscuret.

Athenienses cum Persarum impetum nullo modo possent sustinere, statuerentque, ut urbe relicta, conjugibus et liberis Trœzene‡ depositis, naves conscenderent, libertatemque Græciæ classe defenderent; Cyrsilum quemdam suadentem ut in urbe manerent, Xerxemque reciperent, lapidibus cooperuerunt. Atqui ille utilitatem sequi videbatur: sed ea nulla erat, repugnante honestate.

Themistocles post victoriam ejus belli, quod cum Persis fuit, dixit in concione, se habere con-

up in their own proper states their rights of citizenship. Legem Liciniam et Muciam, de civibus regundis, quam duo Coss. omnium quos vidimus sapientissimi, tulissent, video constare inter omnes, non modo inutilem, sed perniciosam reipublicæ fuisse. Pro C. Cornelio. i. orat. 7. inter Fragm. 1. Edit. Ernest. Oxon. 1810. vol. vii. 880.

* *Alias.* This word, omitted by the Heusingers, but inserted by Gernhard, is found in several valuable MSS., and seems necessary to complete the sense.

† *Umquam rebus secundis.* Liv. xxiii. 14. Flor. ii. 6. 31. These transactions certainly afford proof of the spirit, unanimity, and policy of the Romans. Had they then given way to despondence, their ruin was inevitable.

‡ *Trœzene.* This is a town of Argolis, in the Peloponnesus. The fate of Cyrsilus is mentioned by Demosthenes (περὶ Στεφάνου) who adds, that the Athenian women inflicted the same punishment on the wife of Cyrsilus.

silium rei publicæ salutare, sed id sciri,* non opus esse.† Postulavit, ut aliquem populus daret, quicum communicaret. Datus est Aristides. Huic ille, classem Lacedæmoniorum, quæ subducta esset ad Gytheum,‡ clam incendi posse; quo facto, frangi Lacedæmoniorum opes necesse esset. Quod Aristides cum audisset, in concionem magna expectatione venit, dixitque, perutile esse consilium, quod Themistocles afferret, sed minime honestum. Itaque Athenienses, quod honestum non esset, id ne utile quidem putaverunt: totamque eam rem, quam ne audierant quidem, auctore Aristide, repudiaverunt. Melius hi, quam nos, qui piratas§ immunes, socios vectigales,|| habemus.

* *Sciri.* *Publicly known.*

† *Non opus esse.* As Ἔργον ἐστὶ in Greek, so *opus est*, or —*non est* in Latin, is employed to signify utility, or injury. De Or. ii. 73. "Quod non solum quod opus esset diceres, sed etiam quod non opus esset, non diceres." Læl. xiv. 9. The meaning of Themistocles, in this instance, is, that by divulging the scheme, its execution might be prevented. Plut. in Aristide, et Themistocle. Valer. Max. vi. 5.

‡ *Gytheum.* Γύθιον, or Γύθειον. This was the Lacedæmonian port. Liv. xxxiv. 38; at the distance, as Polybius says, lib. v. 19, of 30 stadia from the city.

§ *Piratas.* Facciolati thinks that allusion is here made to some persons of this description on the coast of Asia Minor, whom Pompey had removed into the interior.—J. M. Heusinger justly conceives that Cicero would not unnecessarily thus impute blame to any act of this general; and that in this passage he more probably has in view the general license accompanying the recent civil war, when similar crimes probably were frequent and passed with impunity.

|| *Vectigales.* The adherents of Pompey, formerly in

CAP. XII. *Rem illustrat Cicero tribus exemplis; quorum primum est Rhodii mercatoris, agitque de astutia in contractibus communibus.*

Maneat ergo,* quod turpe sit, id numquam esse utile: ne tum quidem, cum id quod esse utile putes, adipiscare. Hoc enim ipsum utile putare quod turpe sit, calamitosum est.[1] Sed incidunt, ut supra dixi,† sæpe caussæ, cum repugnare utilitas honestati videatur,‡ ut animadvertendum sit, repugnetne plane, an possit cum honestate conjungi. Ejus generis hæ sunt quæstiones: Si, exempli gratia, vir bonus Alexandria Rhodum, magnum frumenti numerum§ advexerit in Rhodiorum inopia, et fame, summaque annonæ caritate: si idem sciat, complures mercatores Alexandria solvisse, navesque in cursu, frumento onustas, petentes Rhodum, viderit; dicturusne sit id Rhodiis, an

alliance with the Roman state, as Deiotarus, the inhabitants of Marseilles, and others; on whom Cæsar, when conqueror, imposed tribute.

CHAPTER XII.

* *Maneat ergo.* *Let it be then considered as proved.* Pro. Mil. iv. "Quapropter hoc maneat in causa, judices."

† *Supra dixi*—c. 10.

‡ *Videatur:* al. *videtur.*

§ *Numerum.* *Numerus* is applied to substances sold by measure as well as by tale. Hirt. de Bell. Afr. c. 8. "magno frumenti invento numero." *Modiorum*, or some similar word, is probably understood.

silentio suum quam plurimo venditurus? Sapientem et bonum virum fingimus: de ejus deliberatione et consultatione quærimus: qui celaturus Rhodios non sit, si id turpe judicet; sed dubitet, an turpe non sit.

In hujusmodi caussis, aliud Diogeni Babylonio* videri solet, magno et gravi Stoico: aliud Antipatro,† discipulo ejus, homini acutissimo. Antipatro, omnia patefacienda,‡ ut ne quid omnino, quod venditor norit, emtor ignoret: Diogeni; venditorem, qua tenus jure civili constitutum sit, dicere vitia oportere, cetera sine insidiis agere; et quoniam vendat, velle quam optime vendere. Advexi, exposui, vendo meum non pluris, quam ceteri, fortasse etiam minoris, cum major est copia,§ cui fit injuria?

Exoritur Antipatri ratio ex altera parte: Quid ais? Tu cum hominibus consulere debeas, et servire humanæ societati, eaque lege natus sis, et ea habeas principia naturæ, quibus parere, et quæ sequi debeas, ut utilitas tua communis sit utilitas, vicissimque communis utilitas tua sit; celabis homines, quid iis adsit commoditatis et copiæ? Respondebit Diogenes fortasse sic: Aliud est ce-

* *Diogeni Babylonio.* A Stoic of distinguished reputation, born at Seleucia, but called Babylonian, on account of the vicinity of the two cities.

† *Antipatro.* This philosopher is distinguished as a native of Tarsus. Cato of Utica was his disciple.

‡ *Patefacienda. Videntur;* understood.

§ *Major est copia. As the quantity* in the market *is greater.* Hottinger translates, *as the quantity* which I have *is greater.*

lare, aliud tacere: neque ego nunc te celo, si tibi non dico, quæ natura deorum sit; qui sit finis bonorum: quæ tibi plus prodessent cognita, quam tritici vilitas. Sed numquid, quod tibi audire utile est, id mihi dicere necesse est? Immo vero, inquiet ille, necesse est, si quidem meministi, esse inter homines natura conjunctam societatem. Memini, inquiet ille: sed num ista societas talis est, ut nihil suum cujusquam sit? quod si ita est, ne vendendum quidem quidquam est, sed donandum.

CAP. XIII. *Secundum exemplum: venditoris ædium pestilentium.*

Vides in hac tota disceptatione non illud dici; Quamvis hoc turpe sit, tamen, quoniam expedit, faciam: sed ita expedire, ut turpe non sit: ex altera autem parte, ea re,* quia turpe sit, non esse faciendum.

Vendat ædes vir bonus propter aliqua vitia quæ ipse norit, ceteri ignorent; pestilentes sint, et habeantur salubres: ignoretur, in omnibus cubiculis apparere serpentes: male materiatæ sint; ruinosæ; sed hoc, præter dominum, nemo sciat. Quæro, si hæc emtoribus venditor non dixerit, ædesque vendiderit pluris multo, quam se venditurum putarit, num [id] injuste† aut improbe fecerit.

CHAPTER XIII.

* *Ea re.* *On that account;* but that it is disgraceful, has not been proved.

† *Id injuste.* In one MS. *id*, is omitted: in several early editions, *id juste aut improbe.*

Ille vero,* inquit Antipater. Quid est enim aliud, erranti viam non monstrare, quod Athenis exsecrationibus publicis† sanctum est, si hoc non est, emtorem pati ruere, et per errorem in maximam fraudem incurrere? Plus etiam est, quam viam non monstrare. Nam est scientem‡ in errorem, alterum inducere. Diogenes contra: Num te emere coëgit, qui ne hortatus quidem est? Ille, quod non placebat, proscripsit:§ tu, quod placebat, emisti. Quod si qui proscribunt VILLAM BONAM BENEQUE ÆDIFICATAM, non existimantur fefellisse, etiam si illa nec bona est, nec ædificata ratione; multo minus, qui domum non laudarunt. Ubi enim judicium emtoris est,|| ibi fraus venditoris quæ potest esse? Sin autem dictum non omne præstandum est, quod dictum non est, id præstandum putas? Quid vero est stultius, quam venditorem, ejus rei, quam vendat, vitia narrare? Quid autem tam absurdum, quam si domini jussu ita præco prædicet, DOMUM PESTILENTEM VENDO?

Sic ergo in quibusdam caussis dubiis, ex altera parte, defenditur honestas, ex altera ita de utilitate

* *Vero;* particula est affirmantis. Facc.

† *Publicis.* These public execrations were pronounced when the people were assembled, by the priests of the heralds.

Athenæus, lib. vi. ——'Αγνοεῖς ἐν ταῖς ἀραῖς
"Οτ' ἔστιν, εἴ τις μὴ φράσει ὀρθῶς ὁδὸν,
'Η πῦρ ἐναύσει, ἢ διαφθείρει ὕδωρ, κ.τ.λ.

‡ *Scientem.* *Te*, understood.

§ *Proscripsit.* By this term is meant, the affixing on a house, or other object, a written ticket announcing that it is on sale.

|| *Judicium emtoris est. Where the purchaser has an opportunity of forming his own opinion.*

dicitur, ut id, quod utile videatur, non modo facere honestum sit, sed etiam non facere, turpe. Hæc est illa, quæ videtur utilium fieri cum honestis sæpe dissensio. Quæ dijudicanda sunt. Non enim, ut quæreremus, exposuimus, sed ut explicaremus.*

Non igitur videtur nec frumentarius ille, Rhodios, nec hic ædium venditor, celare emtores debuisse. Neque enim id est celare, quidquid reticeas; sed cum, quod tu scias, id ignorare emolumenti tui caussa velis eos, quorum intersit id scire. Hoc autem celandi genus quale sit, et cujus hominis, quis non videt? Certe non aperti, non simplicis, non ingenui, non justi, non viri boni: versuti potius, obscuri, astuti, fallacis, malitiosi, callidi, veteratoris, vafri.† Hæc

* *Non—explicaremus. Not merely to state the doubt or difficulty, but to give its solution.*

† *Vafri.* On referring to the conclusion of the last chapter, it will be seen that neither does Diogenes prove, nor does Antipater admit, that by the corn-merchant's silence, any rule of morality is infringed. On what ground, and for what reason, was it incumbent on him to disclose the fact which accidentally came to his knowledge, that other cargoes of corn were at sea?—None is assigned, but that buyers and sellers are bound by the same social ties. But these do not, as Antipater observes, bind us to communicate to every body all we know. In withholding this information, which was wholly extrinsic to his bargain, no confidence was violated.—Had he disclosed it, the price of the commodity in which he dealt would have been materially reduced. However noble-minded or liberal it might be in him, to put the buyer in possession of all the intelligence on the subject within his power, no *rules of justice* were violated by his withholding it—And *these are*, as Adam Smith observes, (Theory of Moral Sentiments, iv. 7.) *the only rules which are precise and accurate. Those of*

tot, et alia plura, nonne inutile est vitiorum subire nomina?*

other virtues are vague and indeterminate. The first may be compared to the rules of grammar; the others, to the rules which the critics lay down for the attainment of the sublime; which present us rather with a general idea of the perfection we ought to aim at, than afford us any certain and infallible directions for acquiring it. Puffendorf, considering this very question, after deciding that no rule of justice was infringed by the corn-merchant, absolves him also from any offence against the laws of benevolence and humanity. In this opinion, his ingenious commentator, Barbeyrac, fully concurs, and cites the opinion of a strict casuist, La Placette, to the same effect. Had the merchant on his arrival found the market forestalled by the importation of corn from some other quarter, or had he, on the voyage, lost ship and cargo, he could not have expected from the Rhodians, the reimbursement of his loss. Why then should he not avail himself of a favourable state of the market? All concur, therefore, in deciding that he was not bound, in conscience, to a disclosure.—Provided merchants do not impose on us, we may easily dispense them, says Puffendorf, from all acts of pure liberality, v. 3. 2. With regard to the faults of a house on sale, the terms in which the question is stated exclude all charge of direct deception on the part of the seller. What are the grounds, then, on which it is supposed to be incumbent on him to publish its defects? None whatever:—As to these, it is the duty of the person proposing to purchase, to make due examination and inquiry. If the seller declines to answer his questions, and information cannot be elsewhere obtained, he need not buy; or may indemnify himself against risk, by offering an inferior price.—In all such cases, "caveat emtor."

* *Nomina.* The application of such epithets may indeed be injurious:—he who applies them should therefere be cautious that he is well warranted in their use:—and that is, on the present occasion by no means clear. Cicero loses his temper here, and writes as if he smarted under the recollection of some improvident bargain.

CAP. XIV. *Tertium exemplum Pythii; quid sit dolus malus.*

Quod si vituperandi sunt, qui reticuerunt, quid de iis existimandum est, qui orationis vanitatem* adhibuerunt? C. Canius, eques Romanus, nec infacetus, et satis litteratus, cum se Syracusas otiandi ut ipse dicere solebat, non negotiandi caussa, contulisset, dictitabat, se hortulos aliquos emere velle, quo invitare amicos, et ubi se oblectare sine interpellatoribus posset. Quod cum percrebuisset, Pythius ei quidam, qui argentariam† faceret Syracusis, venales quidem se hortos non habere, sed licere uti Canio, si vellet, ut suis: et simul ad cœnam hominem in hortos invitavit, in posterum diem. Cum ille promisisset, tum Pythius, qui esset, ut argentarius, apud omnes ordines gratiosus, piscatores ad se convocavit, et ab his petivit, ut ante suos hortulos postridie piscarentur: dixitque, quid eos facere vellet. Ad cœnam, tempore,‡ venit Canius: opipare a Pythio apparatum convivium: cymbarum ante oculos multitudo: pro se quisque, quod ceperat, afferebat: ante pedes Pythii, pisces abjiciebantur.

Tum Canius, Quæso, inquit, quid est hoc, Pythi?

CHAPTER XIV.

* *Orationis vanitatem. Falsehood.*

† *Argentariam. Negotiationem*, understood. The profession of a money-changer, or banker.

‡ *Tempore. At the time fixed.*

tantumne [hic] piscium, tantumne cymbarum? Et ille, Quid mirum? inquit; hoc loco est, Syracusis quidquid est piscium; hic aquatio;* hac villa isti carere non possunt. Incensus Canius cupiditate, contendit a Pythio, ut venderet. Gravate ille primo. Quid multa? impetrat. Emit homo cupidus et locuples tanti, quanti Pythius voluit, et emit instructos.† Nomina facit,‡ ne-

* *Hic aquatio.* That there was here fresh water running to sea. St. Ambrose, paraphrasing this passage, says; "Aquationem illic esse: dulcis aquæ gratia, innumerabiles pisces eo convenire."

† *Emit instructos.* He purchases the garden with all the stock, as it stood.

‡ *Nomina facit.* Is this to be applied to Pythius, the seller; or to Canius, the buyer? On one occasion, Cicero employs the same phrase. Accepi Aviani litteras, in quibus hoc erat liberalissimum; nomina *se* facturum, *cum venisset*, qua, ego vellem, die. Ep. ad Fam. vii. 23. P. Manutius here observes; accepti et expensi ratio in tabulas referebatur: quæ vocabantur nomina, quia debitorum et creditorum nomina scribebantur. *Nomina* igitur *facere*, est id quod *Cicero*, pro hoc vel illo signo (Avianus was a statuary) *deberet*, in tabulas referre—Direct proof therefore appears, that by Cicero himself the phrase is applied to *a creditor*. Again, by Seneca, twice. Nomina facturi, diligenter in patrimonium et vasa debitoris inquirimus. De benef. i. 1. Nunquam magis nomina facio, quam cum dono. De vita beata. 24. The correlative term, for the engagement of the debtor, would seem to be, nomen locare. See Phædr. i. 16. The name of Canius, repeated in the next line, confirms this interpretation. Cicero, making use of a technical and then well-understood expression, may not have thought it necessary to insert *ille* or *Pythius*. These pronouns are often omitted, as in this chapter, *quid multa? impetrat.* (Sc. *Canius.*) Thus Cæsar (de Bell. Gall. i. 18. 2.) "Quærit (Cæsar) ex solo (Lisco) ea quæ in conventu

gotium conficit. Invitat Canius postridie familiares suos. Venit ipse mature: scalmum nullum videt: quærit ex proximo vicino, num feriæ quædam piscatorum essent, quod eos nullos videret. Nullæ, quod sciam, inquit [ille,] sed hic piscari nulli solent. Itaque heri mirabar, quid accidisset.

Stomachari Canius. Sed quid faceret? Nondum enim Aquillius, collega* et familiaris meus, protulerat de dolo malo formulas. In quibus ipsis cum ex eo quæreretur, quid esset dolus malus: respondebat, cum esset aliud simulatum, aliud actum. Hoc quidem sane luculenter, ut ab homine perito definiendi. Ergo et Pythius, et omnes aliud agentes, aliud simulantes, perfidi, improbi, malitiosi† sunt. Nullum igitur factum eorum potest utile esse, cum sit tot vitiis inquinatum.

dixerat. Dicit (Liscus) liberius atque audacius: Eadem secreto ab aliis reperit (Cæsar) esse vera." On these grounds, notwithstanding the dissent of many able critics, *nomina facit*, we may, with the two latest editors, venture to interpret, *Pythius debits Canius for the amount.*

* *Collega.* C. Aquillius Gallus was Cicero's colleague in the prætorship. De Natura D. c. 30. "Inde everriculum malitiarum omnium, indicium de dolo malo, quod C. Aquillius familiaris noster, protulit. Quem dolum idem Aquillius tum teneri putat, cum aliud sit simulatum, aliud actum."

† *Malitiosi.* On the one side, was certainly positive fraud, falsehood, and intentional deception: on the other, certainly want of common prudence and attention. But for Canius's eagerness to close his bargain, and his confidence in the veracity of Pythius, slight inquiry, or even delay, must have undeceived him. But the bargain having been made and completed, what remedy could a court, acting on equitable principles, have afforded to the buyer? It could not be ascertained that he made this purchase on account of

CAP. XV. *Adversus dolum malum et fraudem Romanorum leges.*

Quod si Aquilliana definitio vera est, ex omni vita simulatio dissimulatioque tollenda est.* Ita nec, ut emat melius, nec ut vendat, quidquam simulabit, aut dissimulabit vir bonus. Atque iste dolus malus et legibus erat vindicatus (ut tutela,† duodecim tabulis, circumscriptio adolescentium,‡

the fishing-boats alone. He would only be entitled therefore, in justice, to an abatement of the price, in proportion to the diminished value of his garden, for the want of these boats to his prospect. And how could that be ascertained?

CHAPTER XV.

* *Tollenda est.* Both Grotius (lib. iii. c. 1. 7.) and Puffendorf (lib. iv. 1. 9.) commenting on this passage, remark, that Cicero's proscription of all dissimulation is too strongly worded. We are not bound to discover to others all we know or think. It were much to be wished, indeed, that perfect candor and sincerity reigned on earth; but if some constantly practised these virtues, whilst others continue to be influenced by opposite rules, the latter would turn to account the frankness of the simple, to make dupes of them on every occasion. Within certain bounds, reserve, and even dissimulation, are therefore necessary in self-defence. Barbeyrac justifies Cicero by the restriction of this rule, forbidding the practice of simulation, or dissimulation, to such as is accompanied by injustice and breach of faith.

† *Tutela.* Bishop Pearce would read *tutelæ; dolus malus*, being understood: possibly *male administrata*, or words of similar import, are implied.

‡ *Circumscriptio adolescentium. Defrauding young men:* circumscriptio semper crimen, sub specie legis, involvit:

lege Lætoria),* et sine lege, judiciis, in quibus additur EX FIDE BONA.† Reliquorum autem judiciorum hæc verba maxime excellunt, in arbitrio rei uxoriæ, MELIUS ÆQUIUS;‡ in fiducia, INTER BONOS

quod apparet in illa legitimum est; quod latet, insidiosum. Senec. in Excerp. vi. controv. 3.

* *Lætoria.* This law, A. U. C. 490, passed at the instance of C. Lætorius Plancianus, tribune of the people. It is noticed also, De N. D. iii. 30.

† *Et sine lege—bona.* And without the warrant of any express law, by those judgments in the prætor's court, which are named from the words technically employed, "ex fide bona." By the equitable jurisdiction of this court, relief was given against fraud; and the due performance of trusts, enforced.

‡ *Melius æquius.* This formula was in use in suits and arbitraments in other cases besides matrimonial disputes. Pro Rosc. c. 4. These terms, extracted from their context and construction, to give appellations to law proceedings, are as difficult to translate, as our own legal terms would be; such as *Habeas Corpus*, *Fieri Facias*, *Certiorari*, *&c.;* but a short explanation of the proceedings before a Roman tribunal may throw some light on this passage, and on others in subsequent chapters. The prætor was the presiding judge who pronounced, expounded, and applied the law; the judices, or arbitri, were private persons, named in each suit under the prætor's authority, to decide on the fact. In some degree, their office resembled that which is devolved on our own juries; the precise fact to be found by their verdict, as it may be called, was either prescribed by the prætor to the judices, and the suit was in that case termed, *judicium stricti juris;* or they were directed to exercise their discretion on the quantum of debt or damages: they were then termed *arbitri;* and the suit, *judicium ex æquo et bono.* In committing to the arbiter or arbitri, the execution of their duty, certain formulæ appear to have been employed by the prætor. *Melius æquius;* how much was, in truth and justice, due to the plaintiff. Ut *inter bonos bene agier oportet;* in fiduciary contracts, to compel the defendant to observe the conduct which became a man

BENE AGIER. Quid ergo? aut in eo, quod MELIUS ÆQUIUS, potest ulla pars inesse fraudis? aut, cum dicitur, INTER BONOS BENE AGIER, quidquam agi dolose, aut malitiose potest? Dolus autem malus in simulatione, ut ait Aquillius, continetur. Tollendum est igitur ex rebus contrahendis omne mendacium. Non inlicitatorem venditor, non qui contra liceatur, emtor apponet.* Uterque, si ad eloquendum venerit, non plus, quam semel, eloquetur.

Q. quidem Scævola,† P. F. cum postulasset, ut sibi fundus, cujus emtor erat, semel indicaretur, idque venditor ita fecisset; dixit, se pluris æstimare: addidit centum milia. Nemo est, qui hoc boni viri fuisse neget; sapientis, negant: ut si minoris, quam potuisset, vendidisset.‡ Hæc igitur est illa pernicies,§ quod alios bonos, alios sapientes

of probity. Too much importance seems attached by Cicero to these formulæ: the laws of Rome, it may be supposed, as the laws of every other country, aimed at suppressing knavery: but no particular illustration is given, nor does any particular efficacy appear, by a few words detached from one of their law processes.

* *Apponet.* Neither the seller nor the buyer should employ fictitious bidders; the one, to increase the price, the other, by commencing with, and continuing biddings much inferior to the value of the object sold, to reduce it.

† *Scævola.* The interlocutor in the dialogue de Amicitia, named in l. 1. 32.

‡ *Vendidisset.* Grævius, it seems, professed his inability to comprehend this paragraph; which however seems sufficiently intelligible. *Nobody will deny that this was the act of a worthy man: that it was the act of a wise man, they do deny: just as much as if he had sold, at a lower price than he might have obtained.*

§ *Pernicies.* *That baneful opinion.*

existimant. Ex quo Ennius "Nequicquam sapere sapientem, qui ipse sibi prodesse non quiret."* Vere id quidem, si, quid esset *prodesse*, mihi cum Ennio conveniret.†

Hecatonem quidem Rhodium, discipulum Panætii, video in iis libris, quos de officiis scripsit Q. Tuberoni,‡ dicere; Sapientis esse, nihil contra mores, leges, instituta facientem; habere rationem rei familiaris.§ Neque enim solum nobis divites esse volumus, sed liberis, propinquis, amicis, maximeque rei publicæ. Singulorum enim facultates et copiæ, divitiæ sunt civitatis. Huic‖ Scævolæ factum, de quo paullo ante dixi, placere nullo modo potest. Etenim qui omnino tantum se negat facturum compendii sui caussa, quod non liceat, huic nec laus magna tribuenda, nec gratia est.

Sed sive simulatio et dissimulatio dolus malus

* *Ennius.* Cited also; Ep. ad Fam. vii. 6. The words of Ennius appear to be, Qui ipse sibi sapiens prodesse non quit—nequidquam sapit. Column. Enn. Fragm. 210. In a letter to Cæsar, xiii. 15, Cicero cites a line from Euripides to the same effect, which is not found in any tragedy of that author now remaining. *Μισῶ σοφιστὴν ὅστις οὐχ αὑτῷ σοφός.*

† *Conveniret.* Tusc. Q. iii. 19. "Conveniret mihi cum Epicuro." Cicero suspects, that in Ennius's acceptation of *prodesse*, worldly gain is alone in view, whilst in his own, the *utile* and the *honestum* are inseparable.

‡ *Tuberoni.* Q. Ælius Tubero, son of a daughter of L. Æmilius Paullus: prætor A. U. C. 630. He was a Stoic, and is often named by Cicero. Læl. c. 11. Brut. c. 31: pro Muræna 36, and elsewhere.

§ *Habere—familiaris:* to pay due attention to his own interest.

‖ *Huic.* Scævola's conduct would not have met the approbation of Hecato.

est; perpaucæ res sunt, in quibus dolus iste malus non versetur: sive vir bonus est is, qui prodest, quibus potest, nocet nemini; certe istum virum bonum non facile reperimus. Numquam igitur est utile peccare, quia semper est turpe: et quia semper est honestum virum bonum esse, semper est utile.

CAP. XVI. *Quid jure Romano sancitum sit ut bona fide inter privatos contrahatur: exempla ad id.*

Ac de jure quidem prædiorum sancitum apud nos est jure civili, ut in his vendendis vitia dicerentur, quæ nota essent venditori. Nam, cum ex duodecim, satis esset ea præstari,* quæ essent lingua nuncupata, quæ qui infitiatus esset, dupli pœnam subiret: a jure consultis etiam reticentiæ pœna† est constituta. Quidquid enim esset in prædio vitii, id statuerunt, si venditor sciret, nisi nominatim dictum esset, præstari oportere.

Ut, cum in arce‡ augurium augures acturi essent, jussissentque Ti. Claudium Centumalum,

CHAPTER XVI.

* *Præstari. Vitia præstare*, is when the seller declares faults or defects existing in the object sold, and allows for them an abatement in the price.

† *Reticentiæ pœna.* This is the compensation due to the buyer for faults in the object sold, which were not disclosed at the time of sale, but which have been since disclosed.—*To this was added by the lawyers, a specific penalty on concealment.*

‡ *Arce.* The citadel of the capitol was the appropriate spot for the observation of augury. Val. Max. viii. 2.

qui ædes in Cœlio monte habebat, demoliri ea, quorum altitudo officeret auspiciis,* Claudius proscripsit insulam,† vendidit; emit P. Calpurnius Lanarius.‡ Huic ab auguribus illud idem denuntiatum est. Itaque Calpurnius cum demolitus esset, cognossetque, Claudium ædes postea proscripsisse, quam esset ab auguribus demoliri jussus, arbitrum illum adegit,§ QUIDQUID SIBI DARE FACERE OPORTERET EX FIDE BONA. M. Cato sententiam dixit, hujus nostri Catonis|| pater. Ut enim ceteri ex patribus, sic hic, quid lumen illud progenuit, ex filio est nominandus. Is igitur judex ita pronuntiavit, cum in venundando rem eam scisset, et non pronuntiasset, emtori damnum præstari,¶ opor-

* *Officeret auspiciis.* The house was so elevated as to intercept, in part, the augurs' view of the horizon, and prevent their observation of birds in their ascending or descending flight.

† *Insulam.* This term was applied to a dwelling, not joined to another by party-walls: an insulated house.

‡ *P. Culpurnius Lanarius.* Plutarch, in the life of Sertorius, speaks of the death of one of his officers, Livius Salinator. This was effected by the stratagem Καλπουρνίου τινὸς, ἐπίκλησιν Λαναρίου; perhaps this very purchaser.

§ *Adegit.* Here are various readings: *arbitrium illud; arbitrum ad illum; arbitrium illum.* Bishop Pearce proposes to read *illi.* The remedy sought was, by proceeding in the prætor's court, to obtain a reference and inquiry what abatement should be made of the price, *ex fide bona* (in conscience and fair dealing) to be refunded to Calpurnius, on account of the concealment by Claudius of this important circumstance. The phrase in the text has been before employed by Cicero. "Cur non arbitrum, pro socio adegeris Q. Roscium, quæro." Pro Rosc. 9.

|| *Catonis:* of Utica.

¶ *Damnum præstari: that the loss should be compensated.*

tere. Ergo ad fidem bonam statuit pertinere, notum esse emtori vitium, quod nosset venditor.

Quod si recte judicavit, non recte frumentarius ille,* non recte ædium pestilentium venditor tacuit. Sed hujus modi reticentiæ jure civili omnes comprehendi non possunt: quæ autem possunt, diligenter tenentur. M. Marius Gratidianus, propinquus noster,† C. Sergio Oratæ‡ vendiderat ædes

* *Frumentarius ille.* The analogy is by no means perfect between the cases. Claudius withheld from the buyer information respecting that very house, by which its utility and its value were materially reduced. In fact, the house which he sold, was *not* the identical house, as he well knew, which in a short period would be standing on that spot: it must be replaced by a house less lofty, and which would cost to the buyer no small sum to unroof, reduce, and alter. This information related, therefore, to the *house itself*, which he sold and warranted. Not so with regard to the corn sold at Rhodes: the *quality* of the *corn* was not there in question: the intelligence, which the merchant withheld, did *not* relate to that corn, but was completely extrinsic. Though he might be bound to satisfy the buyer's inquiry, by giving a true account of that corn, he was not bound to furnish, unasked, an account of all other corn. Had he stated his corn to be merchantable, and of a given weight, and the buyer had found the corn on delivery to be of less weight, and full of weevils, then the comparison would have been more just with a house, which, as the proprietor knew, must be reduced in height; and which he sold, without revealing that circumstance.

† *Noster.* The grandfather of Cicero married a sister of M. Gratidius, De Legg. iii. 16, whose son or grandson was adopted by M. Marius, brother of C. Marius, the opponent of Sylla; and consequently, assumed the names of Marius Gratidianus. De Orat. i. 39. Brut. 45.

‡ *Oratæ.* In a quotation from Cicero's Hortensius, preserved by St. Augustine, C. Sergius Orata is called, "Ho-

eas, quas ab eodem ipse paucis ante annis emerat. Eæ [Sergio] serviebant:* sed hoc in mancipio† Marius non dixerat. Adducta res in judicium est. Oratam Crassus,‡ Gratidianum defendebat Antonius.§ Jus Crassus urgebat, quod vitii venditor non dixisset sciens; id oportere præstari: æquitatem Antonius, quoniam id vitium ignotum Sergio

mo ditissimus et delitiosissimus." He is also named, De Orat. i. 39.

* *Serviebant.* A term of the civil law still in use in the countries which have adopted that law. In cases where the lands, or house of A. are subject by custom or compact, to some particular burden or duty in favour of the lands of B. they are said to owe a *servitude;* as in case of a right of way, an obligation to carry off water, or any other charge not claimed by other individuals. Bishop Pearce suggests that the word, *Sergio*, may here be an interpolation; as it is not very likely that a burden of this kind, incumbent on the house of Sergius, should be due to Sergius himself. The Heusingers concur in this opinion, and add that, if Cicero's expression had been that this servitude was due to Sergius, it would not so speedily after, have been said that it was not unknown to him. Cicero would rather have assigned that circumstance, if true, as a convincing reason, that Sergius must have been acquainted with the fact. Though it is possible that, *Sergio*, may be a mistake for some other name, yet it appears more probable that this word has been introduced by transcribers. Without injury to the sense, it may be altogether omitted. *Eæ serviebant*, would sufficiently have expressed the obligation; as De Legg. Agrar. iii. 2. "Capite hoc omnia quæ serviebant, non servient."

† *In mancipio: on the sale.* Accipitur (mancipium) pro ipsa venditione, seu mancipatione. Facc.

‡ *Crassus.* Lib. i. 30.

§ *Antonius.* Lib. ii. 14.

non fuisset, qui illas* ædes vendidisset, nihil fuisse necesse dici: nec eum esse deceptum, qui id, quod emerat, quo jure esset, teneret. Quorsus hæc? ut illud intelligas, non placuisse majoribus nostris astutos.†

CAP. XVII. *Philosophiæ et jurisprudentiæ differentia in tollendis astutiis; præcepta, ne quid fiat fallaciter.*

SED aliter leges, aliter philosophi tollunt astutias. Leges, quatenus manu tenere possunt;‡ philosophi, quatenus ratione et intelligentia. Ratio ergo postulat, ne quid insidiose, ne quid simulate, ne quid fallaciter. Suntne§ igitur insidiæ,

* *Qui illas.* Ernesti thinks this should be *cui illas.*

† *Astutos.* Many MSS. have *astus:* an ancient edition, *astutias.*

CHAPTER XVII.

‡ *Quatenus—possunt.* Those frauds only, which can be rendered evident by proof, are cognizable by civil tribunals. "The science of morality is rather to be considered as a direction to the parties, who are conscious of their own thoughts, and motives, and designs, than as a guide to the judge, whose arbitration must proceed on rules of evidence and maxims of credibility, with which the moralist has no concern." Paley's El. of M. and P. Ph. vi. 8.

§ *Suntne.* Frequent instances are found of *ne* used in the sense of *nonne*, or *annon*, as an interrogative affirmative, not negative. De Fin. v. 18. "Videmusne ut pueri ne verberibus quidem a contemplandis rebus perquirendisque deterreantur?" Pro Rosc. "Videtisne ut eos agitent

tendere plagas, etiam si excitaturus* non sis, nec agitaturus? Ipsæ enim feræ nullo insequente sæpe incidunt. Sic† tu ædes proscribas, tabulam (tamquam plagas) ponas, domum propter vitia vendas, in eam aliquis incurrat imprudens.‡

Hoc quamquam video propter depravationem consuetudinis neque more turpe haberi, neque aut lege sanciri, aut jure civili;§ tamen naturæ lege sancitum est.|| Societas est enim (quod etsi sæpe dictum est, dicendum tamen est sæpius) latissime quidem quæ pateat, hominum inter homi-

furiæ?" Verr. ii. 46. "Estne Sthenius is, qui omnes honores domi suæ—gessit?" Mil. 14. *potuitne*, five times repeated, for *nonne potuit?* Liv. xxiii. 9. "torpescentne in amentia illa?" Plaut. Pseud. i. 3. 118. "Juravistin' te illam nulli venditurum nisi mihi," and in several other instances in that writer. In commenting on a similar passage occurring De Orat. ii. 15, which Ernesti had thought corrupted, and had altered, "videtisne ulla esse præcepta," Scheller, p. 17, asserts "non aliquot locis," as Ernesti, had maintained, "sed fere innumerabilibus priscorum locis, *ne* pro *nonne*, occurrit."

* *Excitaturus.* Ernesti here introduces the word *feras*, which is warranted by one MS. and approved by Bishop Pearce. Several other MSS. read *bestiam*. *Excitare* was a term in hunting, used for starting the game, to which perhaps no accusative following was required. In this instance, none is found in the MSS. of best authority.

† *Sic:* in like manner.

‡ *Imprudens.* The Heusingers here place a note of interrogation; erroneously, it would seem.

§ *Jure civili.* The *leges*, or *leges scriptæ*, are distinguished from the *jus civile*, as our statute, from common law.

|| *Tamen—sancitum est. Yet it is forbidden by the moral law.*

nes; interior eorum, qui ejusdem gentis sunt; propior eorum, qui ejusdem civitatis. Itaque majores aliud jus gentium, aliud jus civile esse voluerunt. Quod civile, non idem continuo gentium; quod autem gentium, idem civile esse debet. Sed nos veri juris, germanæque justitiæ solidam et expressam effigiem nullam tenemus; umbra et imaginibus utimur. Eas ipsas utinam sequeremur. Feruntur enim ex optimis naturæ et veritatis exemplis. Nam quanti verba illa, UTI NE PROPTER TE FIDEMVE TUAM CAPTUS FRAUDATUSVE SIEM. Quam illa aurea! INTER BONOS BENE AGIER [OPORTET] ET SINE FRAUDATIONE.

Sed, qui sint boni, et quid sit, bene agi, magna quæstio est. Q. quidem Scævola, pontifex maximus, summam vim dicebat esse in omnibus iis arbitriis, in quibus adderetur, EX FIDE BONA;* fideique bonæ nomen existimabat manare latissime, idque versari in tutelis, societatibus, fiduciis, mandatis, rebus emtis, venditis, conductis, locatis, quibus vitæ societas contineretur:† in his magni esse judicis statuere (præsertim cum in plerisque essent judicia contraria)‡ quid quemque cuique præstare oporteret.

* *Ex fide bona.* That all arbitraments on contracts containing expressly the formula *Ex fide bona*, demanded extraordinary attention. As the decision of these questions depended, not on written law, but on the discretion of the arbitri, or judices, when these terms were employed, great power was intrusted to them.

† *Quibus—contineretur: which are the very bands of society.*

‡ *Judicia contraria.* According to the forms of proceeding in the Roman law-courts, in case of the non-performance of ordinary contracts, each party could maintain

Quocirca astutiæ tollendæ sunt, eaque malitia, quæ vult illa quidem videri, se esse prudentiam; sed abest ab ea distatque plurimum. Prudentia est enim locata in delectu bonorum et malorum: malitia, si omnia, quæ turpia sunt, mala sunt, mala bonis ponit ante. Nec vero in prædiis solum jus civile, ductum a natura, malitiam fraudemque vindicat; sed etiam in mancipiorum venditione venditoris fraus omnis excluditur. Qui enim scire debuit, de sanitate, de fuga, de furtis, præstat edicto ædilium. Heredum* alia caussa est.

Ex quo intelligitur, quoniam juris, natura, fons sit, hoc secundum naturam esse, neminem id agere, ut ex alterius prædetur inscitia. Nec ulla pernicies vitæ major inveniri potest, quam in malitia simulatio intelligentiæ:† ex quo ista innumerabilia nascuntur, ut utilia cum honestis pugnare videantur. Quotus enim quisque reperietur, qui impunitate et ignoratione omnium proposita, abstinere possit injuria?

against the other a direct action for damages: in certain suits, however, of a peculiar nature, as for instance between guardian and ward, a direct action lay on behalf of the ward against the guardian; but if the latter had any claim in that capacity on his ward, he was obliged to resort to an *actio contraria*, or cross bill.

* *Heredum.* The faults, in slaves belonging to persons lately deceased, must be presumed to be unknown to those who succeeded to their property; the latter were, therefore, not bound by a presumed warranty against such faults, to the purchasers.

† *In—intelligentiæ: knavery under the mask of prudence.*

CAP. XVIII. *Viri boni esse, nihil lucri accipere, cui turpitudinis quid insit, etiamsi sine culpa sua id fieri possit.*

Pericliteмur, si placet, in iis quidem exemplis, in quibus peccari vulgus hominum fortasse non putat. Neque enim de sicariis, veneficiis, testamentariis, furibus, peculatoribus hoc loco disserendum est; qui non verbis sunt et disputatione philosophorum, sed vinclis et carcere fatigandi; sed hæc consideremus, quæ faciunt ii, qui habentur boni. L. Minucii Basili, locupletis hominis, falsum testamentum quidam e Græcia Romam attulerunt. Quo facilius obtinerent, scripserunt heredes secum M. Crassum et Q. Hortensium, homines ejusdem ætatis potentissimos: qui, cum illud falsum esse suspicarentur, sibi autem nullius essent conscii culpæ, alieni facinoris munusculum non repudiaverunt.* Quid ergo? satin' hoc est,

CHAPTER XVIII.

* *Repudiaverunt.* In concluding the last chapter, Cicero intimates his apprehension that there are few who would not commit an act of knavery where there was a certainty of avoiding detection and punishment: and here certainly an instance is adduced of such conduct in persons of high rank. In our own times and country, it may be hoped, that there are as few, *qui habentur boni*, that would seek to establish a will which they were intimately persuaded was a forgery, because it contained a bequest in their own favour: and, at least, we have the satisfaction of

ut non deliquisse videantur? Mihi quidem non videtur: quamquam alterum vivum amavi, alterum* non odi mortuum.

Sed cum Basilus M. Satrium, sororis filium, nomen suum† ferre voluisset, eumque fecisset heredem (hunc dico patronum agri Piceni et Sabini: O turpem notam temporum illorum!‡ num erat æquum, principes civis rem habere, ad Satrium nihil præter nomen pervenire? Etenim si is, qui non defendit injuriam, neque propulsat,

knowing that however high the character, the rank, or the authority of such legatees, the insertion of a legacy in their favour would not in the least contribute to the establishment of a forged will.

* *Alterum.* Hortensius was Cicero's friend: Crassus, not. Paradox. 6.

† *Nomen suum.* After this adoption by his maternal uncle, he was named L. Minucius Basilus: he served under Cæsar in the Gallic war, but appears to have been one of the persons engaged in the conspiracy against his life: in the year following, Basilus was murdered by his own slaves. De Bell. Gall. vi. 27. Appian. De Bell. Civ. ii. and iii.

‡ *Temporum illorum.* In this indignant exclamation, Cicero alludes to a measure to which provinces even in the heart of Italy were during the civil wars compelled to resort, in order to shield themselves from plunder and oppression. They solicited Cæsar's adherents, persons probably not always of pure character, to become their patrons. Phil. ii. 41. "Quid ego illas istius minas contumeliasque commemorem, quibus invectus est in Sidicinos, vexavit Puteolanos, quod C. Cassium, quod Brutos, patronos adoptassent? Magno quidem judicio, studio, benevolentia, caritate, non ut te, ut *Basilum*, vi et armis, et alios vestri similes, quos clientes nemo habere velit, non modo illorum cliens esse."

cum potest, injuste facit, ut in primo libro* disserui; qualis habendus est is, qui non modo non repellit, sed etiam adjuvat injuriam? Mihi quidem etiam veræ hereditates† non honestæ videntur, si sunt malitiosis blanditiis, officiorum non veritate, sed simulatione, quæsitæ. Atqui in talibus rebus aliud utile interdum, aliud honestum videri solet. Falso. Nam eadem utilitatis, quæ honestatis, est regula. Qui hoc non perviderit, ab hoc nulla fraus aberit, nullum facinus. Sic enim cogitans. Est istuc quidem honestum, verum hoc expedit; res a natura copulatas audebit errore divellere; qui fons est fraudium,‡ maleficiorum, scelerum omnium.

CAP. XIX. *Viri boni notio: quam difficile vir bonus reperiatur.*

Itaque si vir bonus habeat hanc vim, si digitis concrepuerit,§ possit in locupletium testamenta nomen ejus irrepere, hac vi non utatur, ne si exploratum quidem habeat, id omnino neminem umquam suspicaturum. At dares hanc vim

* *Primo libro.* Ch. vii.

† *Veræ hereditates.* *Bequests which are contained in wills not forged.*

‡ *Fraudium.* This genitive is found in most MSS.

CHAPTER XIX.

§ *Digitis concrepuerit.* A proverbial mode of expressing an action, easily and instantly accomplished; *in a snap of the fingers.*

M. Crasso, ut digitorum percussione heres posset scriptus esse, qui re vera non esset heres; in foro, mihi crede, saltaret.* Homo autem justus, isque quem sentimus virum bonum, nihil cuiquam, quod in se transferat, detrahet. Hoc qui admiratur, is se, qui sit vir bonus, nescire fateatur.

At vero si quis voluerit animi sui complicatam notionem evolvere,† jam se ipse doceat, eum virum bonum esse, qui prosit, quibus possit; noceat nemini, nisi lacessitus injuria. Quid ergo?

* *Saltaret.* Dancing was not among the amusements of people of rank in Rome: to dance in public, must have been highly indecorous in a man of the station of Crassus: but to possess this secret, it is said, he would have danced in the very forum; i. e. there is nothing disgraceful, which he would have heeded doing. Facciolati interprets,—*he would* (according to the vulgar English phrase) *have jumped for joy.* This interpretation is not so probable.

† *Animi evolvere.* From the Platonic school, Cicero seems to have imbibed a persuasion, not merely that ideas are innate, but that they were acquired during a pre-existent state of the mind, or soul. "Habet primum (se. *animus hominis*) memoriam et eam infinitam, rerum innumerabilium quam quidem Plato recordationem esse vult superioris vitæ. Ex quo effici vult Socrates, ut discere nihil aliud sit quam recordari. Nec vero fieri ullo modo posse, ut a pueris tot rerum atque tantarum insitas, et quasi consignatas in animis, notiones, quas ἐννοίας vocant, haberemus, nisi animus, antequam in corpus intrasset, in rerum cognitione viguisset." Tusc. Q. i. 24. He states also, Tusc. Q. iv. c. 24, "notionem quam habemus omnes de fortitudine, tectam et involutam." In the present passage he appears to speak in the same tone, of developing the notion we have, though indistinctly, in our minds, of perfection of moral character.

hic non noceat, qui quodam quasi veneno* perficiat, ut veros heredes moveat, in eorum locum ipse succedat? Non igitur faciat, dixerit quis, quod utile sit, quod expediat? Immo intelligat, nihil nec expedire, nec utile esse, quod sit injustum: hoc qui non didicerit, bonus vir esse non poterit.

Fimbriam consularem† audiebam de patre nostro puer, judicem M. Lutatio Pinthiæ fuisse, equiti Romano sane honesto, cum is sponsionem fecisset, NI VIR BONUS ESSET:‡ itaque ei dixisse Fimbriam, se illam rem nunquam judicaturum; ne aut spoliaret fama probatum hominem, si contra judicasset; aut statuisse videretur, virum bonum esse aliquem, cum ea res innumerabilibus officiis et laudibus contineretur. Huic igitur viro bono, quem Fimbria etiam, non modo Socrates noverat, nullo modo videri potest quidquam esse utile, quod non honestum sit. Itaque talis vir non modo§

* *Qui—veneno.* *As if by some magic art.*

† *Fimbriam consularem.* Lucius Fimbria was colleague with C. Marius in his second consulship, A. U. C. 649.

‡ *Sponsionem—esset.* In the progress of a Roman suit at law, an engagement was occasionally entered into, or a deposit of money made by one of the litigant parties, which he agreed should be forfeited in case the other party could establish, or he himself could not establish some certain point, by proof. On the present occasion, it would seem that Pinthia, whose character perhaps had been impugned, by the terms of this *sponsio*, agreed to forfeit a certain sum, in case it could be proved that he was not a man of integrity.

§ *Non modo.* For *non modo non.*

facere, sed ne cogitare quidem quidquam audebit, quod non audeat prædicare. Hæc non turpe est, dubitare philosophos, quæ ne rustici quidem dubitent? a quibus natum est id, quod contritum est vetustate proverbium: cum enim fidem alicujus bonitatemque laudant, dignum esse dicunt, quicum in tenebris mices.* Hoc quam habet vim, nisi illam, nihil expedire, quod non deceat, etiam si id possis nullo refellente† obtinere?

Videsne,‡ hoc proverbio neque Gygi illi posse veniam dari, neque huic, quem paullo ante fingebam, digitorum percussione, hereditates omnium posse converrere?§ Ut enim, quod turpe est, id

* *Tenebris mices.* A sort of game played by two persons, the winning of which depended on guessing rightly, at the instant, the number of fingers suddenly extended by both persons at once. It is said to be yet in use in Italy, under the name of *la Mora;* and in Tyrol, under the name of *Fingerspiel.* This amusement is also in use in China. "Their fingers are all that are required to play the game of *Isoimoi;* of which the lower class of people is particularly fond. Two persons sitting directly opposite to each other, raise their hands at the same moment, when each calls out the number he guesses to be the sum of the fingers expanded by himself and his adversary. At this childish game, two persons will sometimes play to a very late hour." Barrow's Travels in China, p. 157.

† *Nullo refellente. When no proof could arise of your dishonesty.*

‡ *Videsne.* For *annon vides?* see ch. xvii. note 2.

§ *Converrere.* The greater number of MSS. here give *convertere;* which Ernesti thinks may be adopted and understood with an ellipse of *Domum suam.* Similar words are supplied in another passage. In Verr. iii. 76, "Pecuniam publicam, domum tuam, convertisse." Cicero has

quamvis occultetur, tamen honestum fieri nullo modo potest; sic, quod honestum non est, id utile ut sit, effici non potest, adversante et repugnante natura.

CAP. XX. *Nunquam esse causam peccandi.*

At enim, cum permagna præmia sunt,* est caussa peccandi. C. Marius cum a spe consulatus longe abesset, et jam septimum annum post præturam jaceret, neque petiturus unquam consulatum videretur; Q. Metellum, cujus legatus erat, summum virum et civem, cum ab eo, imperatore suo, Romam missus esset, apud populum Romanum criminatus est, bellum illum ducere :† si se consulem fecissent, brevi tempore, aut vi-

also made use of the phrase, Ep. xii. 26, "Hereditatem avertere." Scheller, p. 234, thinks the ellipse, *domum suam; in usum suum;* or, *ad se* (which must be understood with *convertere*, in order to give it the requisite meaning) is much too violent; and that by imagining ellipses in this mode, we may give to words any signification we please. The error in transcription, from *converrere*, to *convertere*, a verb of much more frequent occurrence, was easily made. The metaphor is taken from sweeping with a broom; as in Plaut. Stitch. ii. 2. 64, "Reverram, Hercle, hoc quod converri modo."

CHAPTER XX.

* *Sunt. Dixerit quis*, as in the preceding chapter, is here to be repeated.

† *Ducere. That he was protracting that war.*

vum, aut mortuum Jugurtham se in potestatem populi Romani daturum. Itaque factus est ille quidem consul, sed a fide justitiaque discessit, qui optimum et gravissimum civem, cujus legatus, et a quo missus esset, in invidiam falso crimine adduxerit.

Ne noster quidem Gratidianus* officio boni viri functus est tum, cum prætor esset, collegiumque prætorum tribuni plebis adhibuissent,† ut res numaria de communi sententia constitueretur. Jactabatur enim temporibus illis numus, sic, ut nemo posset scire, quid haberet. Conscripserunt communiter edictum cum pœna atque judicio;‡ constitueruntque, ut omnes simul in rostra post meridiem escenderent.§ Et ceteri quidem alius alio: Marius a subselliis in rostra recta, idque quod communiter compositum fuerat, solus edixit. Et ea res, si quæris, ei magno honori fuit. Omnibus vicis statuæ: ad eas, tus, cerei. Quid multá? Nemo unquam multitudini fuit carior.

Hæc sunt, quæ conturbant in deliberatione nonnumquam, cum id, in quo violatur æquitas,

* *Gratidianus.* iii. 16, note 11.

† *Adhibuissent:* had submitted the subject to the prætors.

‡ *Cum pœna atque judicio. With either fixed penalties on contravention, or a power of bringing the offenders to trial before the people.*

§ *Escenderent.* One MS. has here *accederent.* Most MSS. *descenderent.* As this would express descent from the forum into the rostra, directly contrary to the fact, the present reading is adopted by Ernesti, as well as by J. F. inger.

non ita magnum; illud autem, quod ex eo paritur, permagnum videtur: ut Mario, præripere collegis et tribunis pl. popularem gratiam, non ita turpe; consulem ob eam rem fieri,* quod sibi tum proposuerat, valde utile videbatur. Sed omnium una regula est, quam tibi cupio esse notissimam: aut illud, quod utile videtur, turpe ne sit; aut, si turpe est, ne videatur esse utile. Quid igitur? possumusne aut illum Marium virum bonum judicare, aut hunc?† Explica atque excute‡ intelligentiam tuam, ut videas, quæ sit in ea species, forma, et notio viri boni.

Cadit ergo in virum bonum mentiri emolumenti sui caussa, criminari, præripere, fallere? Nihil profecto minus. Est ergo ulla res tanti, aut commodum ullum tam expetendum, ut viri boni et splendorem et nomen amittas? Quid est, quod afferre tantum utilitas ista quæ dicitur, possit, quantum auferre, si boni viri nomen eripuerit, fidem justitiamque detraxerit? Quid enim interest, utrum ex homine se quis conferat§ in be-

* *Ob eam rem fieri.* The consulate he never did attain; when prætor for the second time, he was murdered with circumstances of great barbarity, in Sylla's proscription. Flor. lib. iii. 21.

† *Hunc.* M. Marius Gratidianus.

‡ *Explica atque excute.* Another allusion to innate ideas. *Unfold and carefully examine your reasoning faculties, in order to develope the form there preserved, of a man of worth.* To this supposed innate idea, or type, the Platonics gave the name ἔννοια, or πρόληψις.

§ *Conferat.* al. *convertat:* which is the reading of most MSS. confirmed by the extracts of Bede. Ovid indeed twice uses the verb in the text, in this sense. Contulit in saxum, Metam. iv. 278.—in volucrem xii. 245.

luam, an [in] hominis figura immanitatem gerat beluæ?

CAP. XXI. *Ex eorum opinione qui quod videatur utile, honestum esse judicant, magna mala oriri.*

Quid? qui omnia recta et honesta negligunt, dummodo potentiam consequantur, nonne idem faciunt, quod is, qui etiam socerum* habere voluit eum, cujus ipse audacia potens esset? Utile ei videbatur plurimum posse alterius invidia. Id quam injustum in patriam, et quam turpe, et quam inutile† esset, non videbat. Ipse autem socer in ore semper Græcos versus de Phœnissis‡ habebat, quos dicam ut potero; incondite fortasse, sed tamen ut res possit intelligi:

CHAPTER XXI.

* *Socerum.* Julia, Cæsar's daughter, had been promised in marriage to Cæpio, but was given to Pompey. Suet. Cæs. 21.

† *Quam inutile.* Some MSS. omit these words: to complete the sense they appear necessary. *To Pompey, the attainment of supreme power, with the unpopularity falling on another, seemed beneficial: the injustice to his country, the disgrace to his own character,* and finally, *the ruin it brought on himself, were not foreseen by him.*

‡ *Phœnissis:* of Euripides.—v. 534—5.

Εἴπερ γὰρ ἀδικεῖν χρὴ, τυραννίδος πέρι
Κάλλιστον ἀδικεῖν· τ’ἄλλα δ’ εὐσεβεῖ χρεών.

Nam si violandum est jus, regnandi gratia
Violandum est: aliis rebus pietatem colas.

Capitalis Eteocles [vel potius Euripides]* qui id unum, quod omnium sceleratissimum fuerat,† exceperit.

Quid igitur minuta colligimus, hereditates, mercaturas, venditiones fraudulentas? Ecce tibi, qui rex populi Romani dominusque omnium gentium esse concupierit,‡ idque perfecerit. Hanc cupiditatem si honestam quis esse dicit, amens est. Probat enim legum et libertatis interitum; earumque oppressionem tætram et detestabilem, gloriosam putat. Qui autem fatetur, honestum

* *Vel potius Euripides.* It does not appear that those words are omitted in any MS. If genuine, they may be interpreted as imputing blame to the poet, for giving publicity to such a sentiment, however accordant with the character of him to whom it is attributed. But that they are spurious, Wyttenbach contends; Bib. Crit. iii. 30: to which our renowned critic, Porson, in his notes on the passage in the Phœnissæ, fully assents; referring to Tusc. Q. i. 44. Magna culpa Pelopis.—Bishop Pearson had proposed transposing the names.

† *Sceleratissimum fuerat. From the number of crimes, he excepts that which is the most flagrant:* viz. robbing his native country of her liberty. *Fuerat* is sometimes found in the place of *erat*, expressing simply time past. Terent. Eun. ii. 2. 49. "Fortasse tu profectus alio fueras." Sallust. Jug. xxxix. 3. "Senatus, ita uti par fuerat decernit." Virg. Æn. iv. 603. "Verum anceps pugnæ fuerat fortuna." Ov. Metam. ix. 85. "Nec satis id fuerat." Bishop Pearce and Ernesti introduce into the text, *fuerit;* on the authority of three MSS.

‡ *Concupierit.* Cæsar. Suet. Cæs. 79, 80.

non esse in ea civitate, quæ libera fuit, quæque esse debeat, regnare; sed, qui [ei] facere possit, esse utile; qua hunc objurgatione, aut quo potius convicio a tanto errore coner avellere? Potest enim, dii immortales, cuiquam esse utile fœdissimum et tæterrimum parricidium patriæ: quamvis is, qui se eo obstrinxerit, ab oppressis civibus Parens* nominetur? Honestate igitur dirigenda utilitas est, et quidem sic, ut hæc duo, verbo inter se discrepare, re unum sonare videantur.

Non habeo, ad vulgi opinionem, quæ major utilitas, quam regnandi, esse possit:† nihil contra inutilius ei, qui non juste consecutus sit, invenio, cum ad veritatem cœpi revocare rationem. Possunt enim cuiquam esse utiles angores, sollicitudines, diurni et nocturni metus, vita insidiarum periculorumque plenissima?

* *Parens.* Cæsar in his lifetime, was called Parens Patriæ; after his death, a column to his memory was erected, bearing the same inscription. Suet. Cæs. 76, 85.

† *Non habeo—possit.* Several early editions for *non habeo*, have *non abeo:* most MSS. and some early editions, *nunc abeo;* which reading Bishop Pearce prefers. The present, adopted by the Heusingers, and Gernhard, is found in but few MSS. In the passages compared with it, "Nihil habeo quod cum amicitia Scipionis possum comparare." Læl. 27. and "Nihil habeo quod accusem senectutem;" the application of the verb *habere* is not exactly similar. Though the general meaning cannot be doubted, *I do not accede to the vulgar opinion, which places dominion the first of human possessions;* yet the construction must be admitted to be obscure. What is the ellipse with *habeo*? —possibly *fidem.* In many editions this sentence is read interrogatively; *possit?*

Multi iniqui atque infideles regno, pauci sunt boni,* inquit Accius. At cui regno? Quod a Tantalo et a Pelope proditum jure obtinebatur. Nam quanto plures, ei regi,† putas, qui exercitu populi Romani populum ipsum Romanum oppressisset, civitatemque non modo liberam, sed etiam gentibus imperantem, servire sibi coëgisset?

Hunc tu quas conscientiæ labes in animo censes habuisse? quæ vulnera? Cujus autem vita ipsi potest utilis esse, cum ejus vitæ ea conditio sit, ut, qui illam eripuerit, in maxima et gratia futurus sit, et gloria? Quod si hæc utilia non sunt, quæ maxime videntur,‡ quia plena sunt dedecoris ac turpitudinis; satis persuasum esse debet, nihil esse utile, quod non honestum sit.

CAP. XXII. *Varia dijudicat exempla Cicero, ut pateat qui boni viri partes expleverint, aut neglexerint.*

Quamquam§ id quidem, cum sæpe alias, tum Pyrrhi bello a C. Fabricio, consule iterum, et a

* *Boni. Favourable, friendly.* Virg. Ecl. v. 65. "Sis bonus, O felixque tuis." Cato, R. R. c. 4. "Vicinis bonus esto."

† *Regi.* Opposed to Cæsar.

‡ *Quæ maxime videntur. If then those things, which have the appearance of being most beneficial, really are not beneficial, because,* &c.

CHAPTER XXII.

§ *Quamquam.* This refers to *quæ maxime videntur,* in the last preceding sentence. *By some persons, dishonoura-*

senatu nostro judicatum est. Cum enim rex Pyrrhus populo Romano bellum ultro intulisset,* cumque de imperio certamen esset cum rege generoso ac potente; perfuga† ab eo venit in castra Fabricii, eique est pollicitus, si præmium sibi posuisset, se, ut clam venisset, sic clam in Pyrrhi castra rediturum, et eum veneno necaturum. Hunc Fabricius reducendum curavit ad Pyrrhum; idque ejus factum laudatum a senatu est. Atqui si speciem utilitatis opinionemque quærimus, magnum illud bellum perfuga unus, et gravem adversarium imperii sustulisset: sed magnum dedecus et flagitium,‡ qui cum laudis certamen fuisset, eum non virtute, sed scelere superatum.

Utrum igitur utilius vel Fabricio, qui talis in hac urbe, qualis Aristides Athenis fuit, vel senatui nostro, qui numquam§ utilitatem a dignitate se-

ble objects have been pursued, because they had the appearance of being beneficial. On frequent other occasions, as well as during the war against Pyrrhus, an opposite determination has been formed by our senate, and by Fabricius, &c.

* *Ultro intulisset. Without cause or provocation.*

† *Perfuga.* He was the physician of Pyrrhus, or one of his friends. A. Gell. iii. 8. Val. Max. vi. 5.

‡ *Flagitium. Fuisset*, understood.

§ *Numquam.* As it cannot be pretended that the conduct of this body was always distinguished by a strict adherence to the rules of honour, and as instances of their dereliction of these rules are so speedily to be adduced, Bishop Pearce proposed modifying the assertion by introducing, *tum:* that it was about the time of King Pyrrhus, the Roman senate had some regard to these rules. This alteration does not appear necessary: the compliment to this venerable body is not to their probity, but to their dig-

junxit, armis cum hoste certare, an venenis? Si gloriæ caussa imperium expetendum est, scelus absit, in quo non potest esse gloria: sin ipsæ opes expetuntur quoquo modo, non poterunt utiles esse cum infamia. Non igitur utilis illa L. Philippi,* Q. F. sententia: quas civitates L. Sulla, pecunia accepta, ex senatus consulto liberavisset,† ut hæ rursus vectigales essent: neque his pecuniam, quam pro libertate dederant, redderemus. Est ei senatus assensus. Turpe imperio. Piratarum‡

nity: with a due regard to which, the encouragement of assassination and poisoning, are pronounced incompatible.

* *L. Philippi.* L. ii. 21.

† *Liberavisset.* *Vectigalibus*, understood. These cities were probably in Asia Minor, and formerly tributary to Mithridates, or Mithradates: on his fall, in order to obtain exemption from the same payment to his conquerors, the inhabitants appear to have offered a certain sum at once, as a commutation: this the Roman senate agreed to accept; received the amount, and, retaining it, again imposed the tribute. By original medals of the family of this sovereign, which have been discovered and described in Dr. E. D. Clarke's *Travels*, vol. I. p. 421, confirmed by inscriptions on marbles still existing, it appears that this name was uniformly written *Mithradates*, and not, as by the Romans, *Mithridates;* which disagrees also with the probable etymology. The same alteration had frequently been made by them in other terms and appellatives adopted from the Greek; as *machina* from μηχάνη, *trutina*, from τρυτάνη, *Agrigentum* from 'Ακράγας, *Massilia* from Μασσάλια; and, indeed, in compounding words in their own tongue; as in *facio, efficio; capio, decipio; tango, attingo; pango, impingo*, &c.

‡ *Piratarum.* On payment of the ransom agreed, pirates dismiss their prisoners.—Not so the Roman senate; they receive a sum of money as the price of exemption

enim melior fides, [quam senatus.] At aucta vectigalia: utile igitur. Quousque audebunt dicere quidquam utile, quod non honestum?

Potest autem ulli imperio, quod gloria fultum esse debet, et benivolentia sociorum, utile esse odium et infamia? Ergo etiam cum Catone meo sæpe dissensi. Nimis mihi præfracte videbatur ærarium vectigaliaque defendere, omnia publicanis negare,* multa sociis: cum in hos benefici esse deberemus; cum illis sic agere, ut cum colonis† nostris solemus: eoque magis, quo illa ordinum conjunctio‡ ad salutem rei publicæ pertinebat. Male etiam Curio,§ cum caussam Transpadanorum||

from tribute, and the tribute they still require.—*Quam senatus*, do not appear in all MSS.

* *Vectigalia—negare.* On some occasions the farmers-general might have engaged for payments really beyond the value of the revenues assigned; still more frequently, from the intervention of foreign or domestic war, famine, or other calamity, the revenue might not reimburse the stipulated rent. On such occasions, when application was made to the senate for a reduction of that rent, Cato always opposed it. When Cæsar became ruler, the equestrian order easily obtained, by his influence, a remission of one-third of their debt due to the public treasury on this head. Pro Muræna, 30. Suet. Cæsar, 20.

† *Colonis.* *With our tenants:* to whom in the event of any calamity we make some abatement. Plin. viii. 2. ix. 37.

‡ *Ordinum conjunctio.* *The union of all orders:* the equestrian, from which the *publicani* were taken, became disaffected to the senate, from their rigidly enforcing these contracts.

§ *Curio.* C. Scribonius Curio, named l. ii. 17, consul A. U. C. 677.

|| *Transpadanorum.* *Gallorum*, understood. As the

æquam esse dicebat: semper autem addebat, "Vincat utilitas." Potius diceret, non esse æquam, quia non esset utilis rei publicæ, quam, cum utilem esse diceret, non esse æquam fateretur.*

CAP. XXIII. *Quid in causis quibusdam dubiis agendum sit.*

Plenus est sextus liber de officiis Hecatonis,† talium quæstionum: Sitne boni viri, in maxima caritate annonæ, familiam‡ non alere. In utramque

freedom of Rome had been conferred on their countrymen dwelling on the hither side of the Po, they thought their own claim equally well founded: Cæsar, when dictator, granted it. Suet. Cæs. c. 8. Dio Cass. xli.

* *Quam—fateretur.* Here, it is admitted, must be some error: but no sufficient authority for amending it has yet appeared. Ernesti, Toup, and Heuman suggest the transposition of *utilem*, and *æquam*: Gerhard removes *non*, from before the second *esse*, and places it before the first. The justice of the object sought by the petitioners was admitted by Curio, but he voted for its rejection, because gainful to the revenue. Either, therefore, of these two alterations (if warranted by any MS.) might be admitted. That offered by Hottinger requires too many changes in the text to be received. Potius diceret non esse *æquum*, quia non esset *utile* reipublicæ, quam *utile* esse diceret *quod* non esse *æquum*, fateretur.

CHAPTER XXIII.

† *Hecatonis.* Named before; chap. xv.

‡ *Familiam. His servants.* By the manner in which this and the next question are stated, we may infer the

partem disputat; sed tamen ad extremum, utilitate officium dirigit magis, quam humanitate. Quærit, si in mari jactura facienda sit, equine pretiosi potius jacturam faciat, an servuli vilis. Hic alio res familiaris, alio ducit humanitas. Si tabulam de naufragio stultus arripuerit, extorquebitne eam sapiens, si potuerit? Negat, quia sit injurium. Quid dominus navis? eripietne suum? Minime: non plus, quam navigantem in alto ejicere de navi velit, quia sua sit. Quoad enim perventum sit eo, quo sumta navis est, non domini est navis, sed navigantium.

Quod si una tabula sit, quo naufragi, iique sapientes? Sibi neuter* rapiat. An alter cedat alteri? Cedat vero: sed ei, cujus magis intersit vel sua, vel rei publicæ caussa, vivere. Quid si hæc paria in utroque? Nullum erit certamen, sed quasi sorte, aut micando victus, alteri cedat alter. Quid si pater fana expilet, cuniculos agat ad ærarium: indicetne id magistratibus filius? Nefas id quidem est. Quin etiam defendat patrem, si arguatur. Non igitur patria præstat omnibus officiis. Immo vero: sed

complete silence of the municipal law on the subject debated. The practice of domestic slavery had so far blunted all regard to humanity, that it could be coolly mooted as a question of some doubt, whether a man of virtue was indeed justified in suffering his fellow-creatures, dependant on him for support, to perish by famine when provisions were very dear; but decided in the affirmative. The next question, whether or not he was justified in throwing overboard a low-priced man, rather than a high-priced horse, is less doubtful.

* *Sibi neuter*, al. *sibine uter:* the latter reading is preferred by Pearce, Facciolati, J. M. Heusinger, and Gernhard: *sibi uter;* by Ernesti. Each of the two latter readings requires the interrogation to be continued.

ipsi patriæ conducit, pios cives habere in parentes. Quid si tyrannidem occupare, si patriam prodere conabitur pater? Silebitne filius? Immo vero obsecrabit patrem, ne id faciat. Si nihil proficiet, accusabit:* minabitur etiam. Ad extremum, si ad perniciem patriæ res spectabit, patriæ salutem anteponet saluti patris.†

Quærit etiam, si sapiens adulterinos numos acceperit imprudens pro bonis, cum id rescierit, soluturusne sit eos, si cui debeat, pro bonis. Diogenes ait: Antipater negat; cui potius assentior.‡ Qui vinum fugiens§ vendat sciens, debeatne dicere. Non necesse putat Diogenes: Antipater viri boni existimat. [Hæc sunt quasi controversa jura Stoicorum.] In mancipio vendendo dicendane vitia: non ea, quæ nisi dixeris redhibeatur mancipium jure civili; sed hæc, mendacem esse, aleatorem, furacem,‖ ebriosum. Alteri

* *Accusabit.* By this may be meant, to reprehend his father, or reproach him privately. Two MSS. have *accusare*, which reading Bishop Pearce approves: and one early edition has *accusaturum*. Why may it not be read interrogatively; *accusabit?*

† *Patriæ—patris.* A periphrasis is here employed, to avoid directly saying that the son is bound to accuse his father.

‡ *Assentior.* Under pretence of making payment to your creditor of a given sum, you give him something which you know to be not of the value for which you pass it. Deceit practised on yourself cannot give you a right to deceive another.

§ *Vinum fugiens. Wine on the point of losing color and flavor.* For *vinum*, in some MSS. is found *venenum;* interpreted, pigment or color. As "Nec Assyrio fucatur lana veneno." Virg.

‖ *Furacem.* Habitual dishonesty in a slave must in all probability have been among the objections to his charac-

dicenda videntur, alteri non videntur. Si quis aurum vendens, orichalcum* se putet vendere, indicetne ei vir bonus, aurum illud esse, an emat denario, quod sit mille denariûm?† Perspicuum jam est, et quid mihi videatur, et quæ sit inter eos philosophos, quos nominavi, controversia.

CAP. XXIV. *Pacta et conventa semperne servanda sint.*

Pacta et promissa semperne servanda sint, quæ nec vi, nec dolo malo (ut prætores solent‡)

ter, which the seller was bound to disclose. It is, indeed, so expressly said, ch. xvii., *de furtis, etiam mancipii is qui vendit dicere emtori debuit; et qui non dixit, "præstat edicto ædilium."* The word *furacem* in the text has therefore been thought an error of copyists. Bishop Pearce suggests that it should be *voracem:* this conjecture is confirmed by a reference to Rachelius iv. 2. De Ædilicio Edicto. "Aleatores et vinarios non contineri edicto quosdam respondisse. Pomponius ait: quemadmodum nec gulosos, nec impostores aut mendaces, aut litigiosos." On this conjecture, Gernhard alters the text.

* *Orichalcum.* Bishop Watson, in his essay on this metal of antiquity; (Chem. Essays, 4th vol. 84) thinks it must have been analagous to our brass, if not identically the same. Heyn. Virg. xii. 87.

† *Denariûm.* Ita libentius Latini dicunt quam mille denariorum. Facc. These prices are probably named loosely, and by way of example. If the orichalcum and gold bore a relative price, as one to a thousand, the former must have been an inferior metal indeed.

CHAPTER XXIV.

‡ *Solent.* Sc. *edicere.* On the authority of some MSS. Bishop Pearce supplies the ellipse; though in other instances the same is found; as, Brut. c. 4. "ut agricolæ solent."

facta sint? Si quis medicamentum cuipiam dederit ad aquam intercutem,* pepigeritque, ne illo medicamento unquam postea uteretur; si eo medicamento sanus factus fuerit, et annis aliquot post inciderit in eumdem morbum, nec ab eo, qui cum pepigerat, impetret, ut iterum eo liceat uti, quid faciendum sit? Cum sit is inhumanus, qui non concedat, nec ei quidquam fiat injuriæ, vitæ et saluti consulendum.†

Quid? si sapiens rogatus ab eo, qui eum heredem faciat, cum ei testamento sestertium milies relinquatur, ut ante quam hereditatem adeat, luce palam in foro saltet, id se facturum promiserit; quod aliter heredem eum scripturus ille non esset; faciat, quod promiserit, nec ne? Promisisse nollem, et id arbitror fuisse gravitatis; quoniam promisit, si saltare in foro turpe ducet, honestius mentietur,‡ si ex hereditate nihil ceperit: nisi forte eam pecuniam in rei publicæ magnum aliquod tempus contulerit;§ ut vel saltare, cum patriæ consulturus sit, turpe non sit.

* *Medicamentum—intercutem.* In medical and agricultural writers, after the preposition *ad*—the ellipse of a participle or adjective, *aptum*, *idoneum*, &c., frequently occurs. Cato, c. 115. "Vinum ad alvum movendam."—c. 127. "Vinum ad stranguriam." Columella, vi. "Ad maciem nulla res tantum quantum medica potest." Corn. Celsus, vi. 6. "Liquidum medicamentum ad idem componebat." Ibid, 28.

† *Consulendum.* And therefore the promise need not be kept.

‡ *Honestius mentietur: it will be less dishonorable to violate the promise.*

§ *Magnum—contulerit. Unless an occasion arises for him to employ that sum in some purpose highly beneficial to his country.*

CAP. XXV. *Non omne promissum esse servandum, neque depositum semper reddendum esse.*

Ac ne illa quidem promissa servandam sunt, quæ non sunt iis ipsis utilia, quibus [illa] promiseris.

Sol Phaëtonti filio,

ut redeamus ad fabulas,

Facturum se dixit esse, quidquid optasset* [sibi.]
Ut curru patri'† tolleretur, optavit. Sublatus est.
Atque is ea, qua‡ constitit, ictu deflagravit fulminis.

Quanto melius fuerat, in hoc promissum patris non esse servatum? Quid, quod Theseus exegit promissum a Neptuno? Cui cum tres optationes Neptunus dedisset, optavit interitum Hippolyti filii, cum is patri suspectus esset de noverca: quo

CHAPTER XXV.

* *Optasset.* To complete the verse, *sibi* is inserted by J. F. Heusinger; it is admitted without authority.

† *Patri.* Here is an elision of the final consonant; which we learn from Quintilian ix. 4. 39. was practised anciently in writing, as well as in pronunciation.

‡ *Ea qua.* Various readings are here found; and all doubtful: *insanus antequam constitit. Atque is, antequam constitit:* which Gernhard adopts. *Atque insanus qua. Ea qua,* J. F. Heusinger interprets, as equivalent to ibi ubi; adducing instances of the use of *qua*, for ubi, Plaut. Men. ii. 1. 12. Curt. vii. 4. 30.

[optato]* impetrato, Theseus in maximis fuit luctibus.

Quid? Agamemnon† cum devovisset Dianæ, quod in suo regno pulcherrimum natum esset illo anno, immolavit Iphigeniam, qua nihil erat eo quidem anno natum pulchrius. Promissum potius non faciendum, quam tætrum facinus admittendum fuit. Ergo et promissa non facienda‡ non numquam; neque semper deposita reddenda. Si gladium quis apud te sana mente deposuerit, repetat insaniens; reddere peccatum sit; officium, non reddere. Quid, si is, qui apud te pecuniam deposuerit, bellum inferat patriæ, reddasne depositum? Non, credo. Facias enim contra rem publicam, quæ debet esse carissima. Sic multa, quæ honesta natura videntur esse, temporibus fiunt non honesta. Facere promissa, stare conventis, reddere deposita, commutata utilitate, fiunt non honesta. Ac de iis quidem, quæ videntur esse utilitates contra justitiam, simulatione prudentiæ, satis arbitror dictum.

* *Optato.* This word, omitted in some MSS. is probably but a gloss taken from the margin. *Quo impetrato, in maximos luctus incidit*, i. 10.

† *Agamemnon.* This tale is not uniformly related: in Sophocles's Electra, the reason assigned by Clytemnestra for the murder of her husband, is his sacrifice of Iphigenia. It is also apparently imputed to him by Horace, Sat. ii. 3. 199.; and directly, by Virgil, Æn. ii. 116. But according to Ovid, (Metam. xii. 32) in concurrence with the greater number of mythologists, her life was preserved. It is observable that Homer does not notice the subject.

‡ *Non facienda.* The cases in which promises are not to be held binding, are well defined by Paley, El. of M. and P. Ph. iii. 1. 5.

Sed quoniam a quatuor fontibus honestatis primo libro officia duximus, in eisdem versabimur, cum docebimus, ea, quæ videntur esse utilia, neque sunt, quam sint virtutis inimica. Ac de prudentia quidem, quam vult imitari malitia; itemque de justitia, quæ semper est utilis, disputatum est. Reliquæ sunt duæ partes honestatis, quarum altera in animi excellentis magnitudine et præstantia cernitur, altera in conformatione et moderatione continentiæ et temperantiæ.

CAP. XXVI. *Exemplum Ulyssis adducit Cicero; quum honestum non sit, nec utile esse posse.*

Utile videbatur Ulixi, ut quidem [poëtæ] tragici* prodiderunt: nam apud Homerum, optimum auctorem, talis de Ulixe nulla suspicio est, sed insimulant eum tragœdiæ, simulatione insaniæ, militiam subterfugere voluisse. Non honestum consilium. At utile, ut aliquis fortasse dixerit, regnare, et Ithacæ vivere otiose cum parentibus, cum uxore, cum filio. Ullum tu decus in quotidianis laboribus et periculis cum hac tranquillitate conferendum putas? Ego vero istam contem-

CHAPTER XXVI.

* *Tragici.* Hesychius and the scholiast on Pindar, Isthm. Od iv., cite the 'Οδυσσεὺς μαινόμενος of Sophocles. Neither that nor any other tragic piece of antiquity remains, in which Ulysses is represented as mad. A tragedy of Pacuvius had the title of Judicium armorum; from which, possibly, was made the extract which follows.

nendam et abjiciendam: quoniam, quæ honesta non sit, ut utilem quidem esse arbitror.

Quid enim auditurum putas fuisse Ulixem, si in illa simulatione perseverasset? qui cum maximas res gesserit in bello, tamen hoc audiat ab Ajace:

Cujus* ipse princeps juris jurandi fuit,
Quod omnes scitis, solus neglexit fidem,
Furere assimulavit, ne coiret, institit.†
Quod ni Palamedis perspicax prudentia
Istius percepset malitiosam audaciam,‡
Fide sacratum jus perpetuo falleret.

Illi vero non modo cum hostibus verum etiam cum fluctibus, id quod fecit, dimicare melius fuit, quam deserere consentientem Græciam ad bellum barbaris§ inferendum.

* *Cujus.* "*Cujus* hic non efficit nisi unicam syllabam; quemadmodum apud Terentium *ejus*, *deos*, monosyllaba sunt ubique. *Istius*, simili contractione, fit dissyllabum; et *percepset* pro *percepisset*." Erasm.

† *Ne coiret, institit: in order that he might not join the expedition, persisted in this plan.* J. M. Heus.

‡ *Audaciam.* One MS., but it is not known that more than one, gives *astutiam*; a reading, which, if better attested, appears to merit preference. In proof of the insanity which Ulysses counterfeited, he is related to have yoked together animals of different species, then ploughed the sea shore, and sown salt. Palamedes taking Telemachus, then an infant, laid him in the way of the ploughshare: but Ulysses stopping the plough gave indication of more sanity than he pretended.

§ *Barbaris.* Some of Priam's auxiliaries were certainly classed among those whom the Greeks named barbarians. Homer represents the Trojans themselves as governed by

Sed omittamus et fabulas, et externa: ad rem factam nostraque veniamus. M. Atilius Regulus, cum consul iterum* in Africa ex insidiis captus esset, duce Xanthippo Lacedæmonio, imperatore autem patre. Hannibalis Hamilcare, juratus missus est ad senatum, ut, nisi redditi essent Pœnis captivi nobiles quidam, rediret ipse Carthaginem. Is cum Romam venisset, utilitatis speciem videbat, sed eam, ut res declarat, falsam judicavit: [quæ erat talis]† manere in patria, esse domi suæ cum uxore, cum liberis; quam calamitatem accepisset in bello, communem fortunæ bellicæ judicantem, tenere consularis dignitatis gradum: quis hæc neget esse utilia? Quem censes?‡ Magnitudo animi et fortitudo negat.§

laws, religion, and civil institutions similar to those of the Greeks: as speaking the same language, the probability is that they were admitted to be of the same descent; and that therefore this appellation could not be generally applied to them.

* *Consul iterum.* A. U. C. 486, and 497.

† *Quæ erat talis.* These three words are rejected by Facciolati as spurious.

‡ *Quem censes?* sc. *negare?* This phrase receives explanation from Quintilian, ix. 2. 24. "Nonnunquam communicantes aliquid inexpectatum subjungimus quod et per se schema est. Ut in Verrem, *quid deinde? quid censetis? furtum fortasse, aut prædam aliquam?* Deinde cum diu suspendisset judicum animos, subjecit quod multo est improbius." Also, pro Cæcina, c. 5. "Mandat ut fundum sibi emat? cui tandem? cui putatis? annon in mentem venit omnibus," &c. This rhetorical form, which was termed communicatio, appears intended to excite greater attention. Toup would correct this passage thus, *utilia? utilia quæ censes*, &c.

§ *Magnitudo—negat.* Sir Herbert Croft, in his tract,

CAP. XXVII. *Quid fecerit Regulus.*

Num locupletiores quæris auctores? Harum enim est virtutum proprium, nihil extimescere, omnia humana despicere, nihil, quod homini accidere possit, intolerandum putare. Itaque quid fecit? In senatum venit; mandata exposuit; sententiam ne diceret, recusavit;* quam diu jure ju-

"Horace éclairci par la ponctuation;" Paris 1810, commenting on the passage,

Crescit indulgens sibi dirus hydrops,
Nec sitim pellit nisi causa morbi
Fugerit venis, et aquosus albo
Corpore languor,

notices incidentally the discordance with themselves, which sometimes appears in the practice of the best authors, in the use of a verb singular in construction with two or more nouns plural. The present passage is cited and contrasted with another in the preceding chapter; *facere promissa, stare conventis, reddere deposita, commutata utilitate, fiunt non honesta.* In a construction apparently similar, the verb is there plural; here, singular.

CHAPTER XXVII.

* *Sententiam—recusavit.* The primitive meaning of *recusare* (recausare) appears to be merely, to adduce opposite arguments: it may therefore be followed by a negative; as, De Or. ii. 15, "De musicis rebus non poterit quin dicat, hoc onere suscepto, recusare." Ad divers. Ep. i. 19. "Mihi videbatur contentionem—cum illis viris nolle fieri; et ne fieret vehementer recusare." Liv. viii. 7. "ne te quidem recusare censeam quin disciplinam restituas," Nep. Epam. 8. "Non recusavit quo minus pœnam subiret."

rando hostium teneretur, non esse se senatorem. Atque illud etiam (O stultum hominem, dixerit quispiam, et repugnantem utilitati suæ!) reddi captivos, negavit esse utile: illos enim adolescentes esse, et bonos duces, se jam confectum senectute. Cujus cum valuisset auctoritas, captivi retenti sunt; ipse Carthaginem rediit: neque eum caritas patriæ retinuit, nec suorum. Neque vero tum ignorabat, se ad crudelissimum hostem, et ad exquisita supplicia* proficisci: sed jus jurandum conservandum putabat. Itaque tum, cum vigilando necabatur, erat in meliore caussa,† quam si domi senex captivus, perjurus consularis, remansisset. At stulte, qui non modo non censuerit captivos remittendos, verum etiam dissuaserit. Quo modo stulte? etiamne si rei publicæ conducebat? Potest autem, quod inutile rei publicæ sit, id cuiquam civi utile esse?

* *Exquisita supplicia.* The tale of the death of Regulus, by torture, in itself improbable, is narrated by the Romans with varying circumstances. The silence of Polybius on the subject, must excite suspicion; which is confirmed by a fragment of the xxivth book of Diodorus Siculus: speaking of Regulus, he says, δι' ἀμέλειαν αὐτὸν ἐκλελοιπέναι τοῦ ζῆν. From this passage it is evident that he did not, according to our author's information die by torture; and it is incompatible with the circumstances narrated by him, on another occasion. "M. Regulum illigatum in machina, resectis palpebris, Carthaginienses vigilando necaverunt." In Pison. 43.

† *Erat—caussa. He took a better course.*

CAP. XXVIII. *Quæ contra Regulum dicantur: quibus argumentis hæc refellantur.*

PERVERTUNT homines ea, quæ sunt fundamenta naturæ, cum utilitatem ab honestate sejungunt. Omnes enim expetimus utilitatem, ad eamque rapimur, nec facere aliter ullo modo possumus. Nam quis est, qui utilia fugiat? aut quis potius, qui ea non studiosissime persequatur? Sed quia nusquam possumus, nisi in laude, decore, honestate utilia reperire, propterea illa prima et summa habemus; utilitatis nomen non tam splendidum, quam necessarium ducimus.

Quid est igitur, dixerit quis, in jure jurando? Num iratum timemus Jovem? At hoc quidem* commune est omnium philosophorum, non eorum modo, qui deum nihil habere ipsum negotii† [dicunt], nihil exhibere alteri,‡ sed eorum etiam, qui deum semper agere aliquid, et moliri§ volunt, numquam nec irasci deum, nec|| nocere. Quid

CHAPTER XXVIII.

* *At hoc quidem.* These words, ending, *luculente dicitur*, are attributed to the interlocutor who is introduced denying the merit of Regulus.

† *Eorum—negotii.* The Epicureans. De Nat. D. i. 17. and 20. Lucret. i. 57. V. 83. Bishop Pearce rejects *dicunt.*

‡ *Exhibere alteri: negotii* understood; *to give trouble to another;* as in the Greek, *πράγματα παρέχειν.*

§ *Qui—moliri.* The Stoics, in particular, are alluded to: but the Academics and Peripatetics did not essentially differ from them on this head.

|| *Numquam nec—nec.* Another instance here occurs of double negatives.

autem iratus Jupiter plus nocere potuisset, quam nocuit sibi ipse Regulus? Nulla igitur vis [fuit] religionis, quæ tantam utilitatem perverteret. An ne turpiter faceret? Primum, minima de malis.* Num igitur tantum mali turpitudo ista habebat, quantum ille cruciatus? Deinde illud etiam apud Accium,

Fregistin'† fidem?
Neque dedi, neque do infideli cuiquam,

quamquam ad impio rege‡ dicitur, luculente tamen dicitur.

Addunt etiam, quem ad modum nos dicamus, videri quædam utilia, quæ non sint: sic se dicere, videri quædam honesta, quæ non sint; ut hoc ipsum videtur honestum, conservandi juris jurandi caussa ad cruciatum revertisse: sed fit non honestum; quia, quod per vim hostium esset actum, ratum esse non debuit. Addunt etiam, quidquid valde utile sit, id fieri honestum, etiamsi ante non videretur. Hæc fere contra Regulum. Sed prima videamus.

CAP. XXIX. *Quæ sit fides jurisjurandi cum hoste; quæ cum prædone? qua conditione ratum fiat jusjurandum: hujus rei exempla.*

Non fuit Jupiter metuendus, ne iratus noceret: qui neque irasci solet, nec nocere. Hæc quidem

* *Minima de malis.* *Sumenda*, or *eligenda*, understood.
† *Fregistin'?* For instances of *ne*, for *nonne;* see note on ch. 17.
‡ *Impio rege.* Atreus, as appears by the next chapter.

ratio non magis contra Reguli, quam contra omne jus jurandum valet. Sed in jure jurando, non qui metus, sed quæ vis sit, debet intelligi.* Est enim jus jurandum affirmatio religiosa. Quod autem affirmate, quasi deo teste, promiseris, id tenendum est. Jam enim non ad iram deorum, quæ nulla est,† sed ad justitiam et ad fidem pertinet. Nam præclare Ennius:

O Fides alma, apta pinnis,‡ et jus jurandum Jovis.§

CHAPTER XXIX.

* *Non qui—intelligi.* The subject of inquiry ought to be, not what is the particular evil to be dreaded as consequent on the violation of an oath, but rather what is its obligation.

† *Quæ nulla est.* According to the opinion of the Stoics and Academics, the gods interfere in human affairs, merely to confer benefits. Evil they never inflict. De Nat. D. iv. 43 and 44. On this head, Cicero will be found not perfectly consistent, perhaps, with himself. Divorum iras providento. Legg. ii. 8. Impius ne audeto placare donis iram deorum, ii. 9. and even: dii immortales hominibus irasci et succensere consuerunt. Pro Rosc. 16. It is of little moment to inquire which opinion Cicero really held; or whether at different times he held opposite opinions: proceeding here on the admission that the wrath of the gods is not to be feared, he maintains that a strict obligation arises from the laws of justice and honour.

‡ *Apta pinnis. Alata. Apta* is here employed as by Virgil,—"cœlum stellis fulgentibus aptum." Æn. xi. 202.

§ *Jus jurandum Jovis.* Jupiter was the arbiter of oaths, and thence had the appellation Ζεὺς ὅρκιος. In the tragedy from which this line is cited, one of the characters, having perhaps been imposed on by perjury, addresses the divinity who presides over good faith, and personifies the oath itself, sacred to Jove.

Qui Jus igitur jurandum violat, is Fidem violat, quam in Capitolio vicinam Jovis Optimi Maximi, ut in Catonis oratione est, majores nostri esse voluerunt.*

At enim ne iratus quidem Jupiter plus Regulo nocuisset, quam sibi nocuit ipse Regulus. Certe, si nihil malum esset, nisi dolere. Id autem non modo summum, sed ne malum quidem† esse, maxima auctoritate philosophi affirmant. Quorum quidem testem non mediocrem, sed haud scio an‡ gravissimum, Regulum, nolite, quæso, vituperare. Quem enim locupletiorem quærimus, quam principem populi Romani, qui retinendi officii caussa cruciatum subierit voluntarium? Nam quod aiunt, Minima de malis; id est, ut turpiter potius quam

* *Fidem—voluerunt.* Numa Pompilius is said to have dedicated the first temple to this divinity. Plut. in Numa, Dionys. Hal. ii. "Ut fides ut mens, quas in Capitolio dedicatas videmus proxime a M. Æmilio Scauro, ante autem ab Atilio Calatino erat Fides consecrata." De N. Deor. xxiii.

† *Non modo—quidem.* Cicero often employs *non modo*, for *non modo non*, and *non solum* for *non solum non.* As, Rosc. Am. 23. "propterea quod—non modo sine cura quiescere sed ne spirare quidem sine metu possunt." Pis. 10. "Senatui non solum juvare rempublicam, sed ne lugere quidem licere." Or. i. 46. "Neque solum inscientiam meam sed ne rerum quidem magnitudinem perspicit." The second negative is not uniformly omitted. Scheller, p. 75. thinks indeed, that the occasions where both negatives are retained, are more frequent than those where the second is omitted. The ellipse certainly appears harsh. After *summum; malum* is understood. Gernhard places it, on the authority of several MSS. in his text.

‡ *Haud scio an.* See L. i. c. 11. note.

calamitose:* an est ullum majus malum turpitudine? Quæ si in deformitate corporis habet aliquid offensionis, quanta illa depravatio et fœditas turpificati animi debet videri?

Itaque, nervosius qui ista disserunt, solum audent malum dicere id, quod turpe sit; qui autem remissius,† hi tamen non dubitant summum malum dicere. Nam illud quidem,

Neque dedi, neque do infideli cuiquam,

idcirco recte a poëta; quia, cum tractaretur Atreus, personæ serviendum‡ fuit. Sed si hoc sibi sumunt, nullam esse fidem, quæ infideli data sit, videant, ne quæratur latebra perjurio.

Est jus etiam bellicum, fidesque juris jurandi sæpe§ cum hoste servanda. Quod enim ita juratum est, ut mens conciperet fieri oportere, id ser-

* *Calamitose. Vivas*, perhaps is the ellipse: that you should rather live in disgrace than in misery.

† *Remissius.* Those philosophers to whom Cicero alludes, as being most severe in their decision, are the Stoics: the more lax, are the Peripatetics. c. 4. and 7.

‡ *Personæ serviendum. The character must be observed.* The poet does not here utter his own sentiments, but those conformable to the character of Atreus.

§ *Sæpe.* In what cases can an oath be viewed, as less binding, because an enemy has an interest in its observation? The exceptions must, at least, be as narrow as in cases where a fellow-citizen has the same interest. The meaning possibly is, that in many cases, the obligation of a promissory oath remains, although we were at peace when the oath was taken, and afterwards make open war on the imposer. This will depend on the nature of the oath, from which we cannot certainly, by our own act, release ourselves.

vandum est:* quod aliter, id si non feceris, nullum est perjurium. Ut, si prædonibus pactum pro capite pretium non attuleris, nulla fraus est, ne si juratus quidem id non feceris.† Nam pirata, non

* *Ut mens—servandum est.* This expression, and the following, *ex animi sententia jurare*, would seem capable of dangerous interpretation. If the swearer be permitted silently to put on his oath what mental interpretation he pleases, the oath will be of little validity. Calcagnini, an Italian critic on this work, has observed, "Sicut enim oratio, non dicentis sed audientis gratia inventa est, ita jusjurandum non ejus qui se juramento obstringit, sed ejus qui (cui) obstringitur causa, institutum est." In many early editions, indeed, after *mens*, the word *deferentis* is introduced, which would remove all objection. "It is manifest that oaths must be interpreted and performed in the sense in which the imposer intends them; otherwise, they afford no security to him; and this is the meaning and reason of the rule, jurare in animum imponentis." Paley's El. of M. and P. Ph. iii. part 2. 16; but the word *deferentis* has not the warrant of a single MS. and is evidently a gloss. Cicero's meaning seems to be, that the performance of a promissory oath depends on your intimate persuasion of its moral obligation. With this, the following paragraph is in conformity.

† *Prædonibus—non feceris.* This sentence, and the subject on which it treats, have given birth to much debate. Grotius de J. B. et P. ii. 13. § 15., citing the passage, admits that a person extorting a promise by force, can have no right to demand its performance; but thinks that an oath accompanying it, makes it binding in conscience. Facciolati, in a note on the words, *ne juratus quidem*, appears to follow Grotius in this distinction. Ita Cicero ex regulis humanæ societatis. Attamen si tu, Christiane, prædoni *juraveris*, adverte prædonem falli posse, deum, quem testem adhibuisti, falli non posse. Hobbes de Cive, ii. 16, maintains that a promise, because extorted by fear, is not the less obligatory, in cases where the promiser re-

est perduellium numero definitus, sed communis hostis omnium. Cum hoc nec fides debet, nec jus jurandum esse commune.

ceives from it some benefit. On this it is remarked by Puffendorf, that merely abstaining from injury, cannot be reckoned among benefits: that a highwayman, for instance, who does not murder you, cannot be called your benefactor. Hobbe's doctrine is therefore thus qualified by Puffendorf, (iii. 6. § 13.) provided that the promisee can legitimately exact the performance of that promise. To this, Barbeyrac, the learned and acute commentator on both Grotius and Puffendorf, fully accedes; and pronounces that every act of violence, every sort of menace, by which the promiser is induced to make an engagement into which he otherwise would not have entered, deprives him of the liberty necessary to form a valid engagement, and consequently, annuls all such promises and conventions. He adds, that the performance of an engagement made under such circumstances, is injurious to society, as it tends to the encouragement of robbers. Adam Smith has treated this question much at length; Th. of M. S. vii. 4. With some exceptions, and guardedly, he leans to the opposite opinion. Some regard, he thinks, should be paid to promises of this kind; but how much, it is not possible to determine by any general rule. If the sum promised was very great; such, for example, as would ruin, by its payment, the family of the payer, or sufficient to effect the most useful purposes, it would appear criminal, at least extremely improper, to throw it into such worthless hands; but in general, it may be said, that exact propriety requires the observance of such promises, where not inconsistent with other duties: when violated, it is always with some degree of dishonour to the persons who made them. It is observable that Paley appears to have changed his opinion on the subject of such promises. In the first edition of his valuable work on M. and P. Ph. (iii. part 1. 5.) he states their obligation to depend on the question, whether mankind are benefited or not, by their observance; concluding that lives

Non enim falsum jurare, perjurare est; sed, quod EX ANIMI TUI SENTENTIA juraris, sicut verbis concipitur more nostro,* id non facere, perjurium est. Scite enim Euripides :†

Juravi lingua, mentem injuratam gero.

Regulus vero non debuit conditiones, pactionesque bellicas et hostiles perturbare perjurio. Cum justo enim et legitimo hoste res gerebatur, adversus quem et totum jus fetiale,‡ et multa sunt jura communia. Quod ni ita esset, numquam claros viros senatus vinctos hostibus dedidisset.

CAP. XXX. *Quidam Romani hostibus dediti: quid sit in Regulo maximum.*

AT vero T. Veturius et Sp. Postumius, cum

are saved by it, he treats such promises as in general binding. But in subsequent editions he observes, that these may be made the instrument of almost unlimited extortion; and therefore, *in the question between the importance of these opposite consequences, resides the doubt concerning the obligation of such promises.* The noble minded Montaigne remarks on this subject, "Ce que la crainte m'a faict une fois vouloir, je suis tenu de le vouloir encore sans crainte: et quand elle n'aura forcé que ma langue sans la volonté, encore suis-je tenu de faire la maille bonne de ma parole."

* *More nostro.* These appear, therefore, to be the formal words in which the oath was administered; *to speak the truth unequivocally; without reservation.*

† *Euripides.* In Hippolyt. v. 611. 'Η γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος.

‡ *Jus fetiale.* Lib. i. c. 11.

iterum consules* essent, quia, cum male pugnatum apud Caudium esset, legionibus nostris sub jugum missis, pacem cum Samnitibus fecerant, dediti sunt† his. Injussu enim populi senatusque fecerant. Eodemque tempore Ti. Numicius,‡ Q. Mælius, qui tum tribuni plebis erant, quod eorum auctoritate pax erat facta, dediti sunt, ut pax Samnitium repudiaretur. Atque hujus deditionis ipse Postumius, qui dedebatur, suasor et auctor fuit. Quod idem multis annis post C. Mancinus, qui, ut Numantinis, quibuscum sine senatus auctoritate fœdus fecerat, dederetur, rogationem suasit eam, quam L. Furius, S. Atilius ex senatus consulto ferebant: qua accepta, est hostibus deditus.§ Honestius hic, quam Q.

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* *Iterum consules.* A. U. C. 432.

† *Dediti sunt.* After the return of their army, when the danger, though not the disgrace, was past, the Romans refused either to ratify the treaty made with the Samnites, or to put all things in the state, as nearly as might be, in which they were when the treaty was made. They preferred giving up the two consuls, and two others of the persons who had personally entered as parties into the treaty, (but not even all those persons) as prisoners to the Samnites; who refused to receive them. Of these four individuals, it is observed by Livy, ix. 11, "forsitan et *publica*, sua, *certe liberatâ fide.*"

‡ *Ti. Numicius.* This tribune, whose name appears different in different MSS., is, by Livy, ix. 8, called L. Livius. The historian is more probably correct, as the tribune happens to be his namesake.

§ *Hostibus deditus.* C. Hostilius Mancinus; consul, A. U. C. 616. When surrendered, the Numantians also declined to receive him.

Pompeius, quo, cum in eadem caussa esset,* deprecante, accepta lex non est. Hic ea, quæ videbatur utilitas, plus valuit, quam honestas: apud superiores utilitatis species falsa ab honestatis auctoritate superata est.

At non debuit† ratum esse, quod erat actum per vim. Quasi vero forti viro vis possit adhiberi.‡ Cur igitur ad senatum proficiscebatur, cum præsertim de captivis dissuasurus esset? Quod maximum in eo est, id reprehenditis. Non enim suo judicio stetit, sed suscepit caussam, ut esset judicium senatus: cui nisi ipse auctor fuisset, captivi profecto Pœnis redditi essent. Ita incolumis in patria Regulus restitisset. Quod quia patriæ non utile putavit, idcirco sibi honestum et sentire illa, et pati credidit. Nam quod aiunt, quod valde utile fit, id fieri honestum: immo vero esse,§ non fieri. Est enim nihil utile, quod idem non honestum: nec quia utile, honestum est;

* *Pompeius—esset.* Consul, A. U. C. 612; he also concluded with the Numantines a treaty, with which the Romans were dissatisfied, (Vellei. ii. 1. 4. Flor. ii. 18.) but on this occasion, they thought fit not to go through the ceremony of tendering the person of the consul.

† *At non debuit.* The case of Regulus is here resumed: the interlocutor who condemns his return to Carthage, proceeds in his argument.

‡ *Possit adhiberi.* Cicero seems not aware that this argument applies as strongly to a man in the power of pirates.

§ *Immo vero esse.* Heuman reads here, *esse debet.* Bishop Pearce thinks *ego aio id*, is understood: Wolf, *dicendum est;* and J. M. Heusinger, *aiant*, or *dicere volunt.*

sed qua honestium, utile.* Quare ex multis mirabilibus exemplis, haud facile quis dixerit hoc exemplo aut laudabilius,† aut præstantius.

CAP. XXXI. *Antiquis nullum jurejurando arctius vinculum.*

SED ex tota hac laude Reguli unum illud est admiratione dignum, quod captivos retinendos censuit. Nam quod rediit, nobis nunc mirabile‡ videtur: illis quidem temporibus aliter facere non potuit. Itaque ista laus non est hominis, sed temporum. Nullum enim vinculum ad astringendam fidem jure jurando majores artius esse voluerunt. In indicant leges in XII. tabulis, indicant sacratæ,§ indicant fœdera, quibus etiam

* *Quia honestum, utile.* The perplexity of ancient moralists between the *utile* and *honestum* arises in some degree from their not adverting to the distinction between particular and general consequences, as explained by Paley, ii. 7. and 8.

† *Laudabilius. Aliud*, understood.

CHAPTER XXXI.

‡ *Nunc mirabile.* The great majority of MSS. have *non* for *nunc;* which reading Bishop Pearce prefers. One MS. has *haud.* Had Cicero designed to make the sentence negative, J. M. Heusinger thinks that he would have inserted *mihi*, not *nobis.* This is not quite conclusive: their general conviction of the worth of the man, and the purity of the times, might be said to prevent their viewing with wonder this conduct of Regulus.

§ *Sacratæ.* "Leges sacratæ sunt, quibus sanctum est.

cum hoste devincitur fides; indicant notiones* animadversionesque censorum, qui nulla de re diligentius, quam de jure jurando, judicabant.

L. Manlio, A. F. cum dictator fuisset, M. Pomponius tribunus plebis diem dixit, quod is paucos sibi dies ad dictaturam gerendam addidisset. Criminabatur etiam, quod Titum filium, qui postea est Torquatus appellatus, ab hominibus relegasset et ruri habitare jussisset. Quod cum audivisset adolescens filius, negotium exhiberi patri: accurrisse Romam et cum prima luce Pomponii domum venisse dicitur. Cui cum esset nuntiatum, qui illum iratum allaturum ad se aliquid contra patrem arbitraretur, surrexit e lectulo, remotisque arbitris, ad se adolescentem jussit venire. At ille, ut ingressus est, confestim gladium destrinxit, juravitque, se illum statim interfecturum, nisi jus jurandum dedisset, se patrem missum esse facturum. Juravit hoc, coactus terrore, Pomponius: rem ad populum detulit: docuit, cur sibi caussa desistere necesse esset: Manlium missum fecit. Tantum temporibus illis jus jurandum valebat.† Atque

ut qui adversus eas fecerit, sacer alicui Deo sit, cum familia et pecunia. Ita Festus." Facc.

* *Notiones.* Several early editions, particularly the Venetian of 1498, have *notationes.* But the present reading is probably correct. The censorial power was suppletory to the defective jurisprudence of Rome: persons who had escaped well-merited punishment for perjury, as well as other crimes, might occasionally be branded with disgrace by the censor.

† *Tantum—valebat.* No reasons are here stated why a promissory oath, *vi et metu extortum*, to a pirate, is invalid; but valid, if given to an assassin. T. Manlius was as much an aggressor as the pirate; and the oath imposed by

hic T. Manlius is est, qui ad Anienem Galli, quem ab eo provocatus occiderat, torque detracto,* cognomen invenit:† cujus tertio consulatu Latini ad Veserim‡ fusi et fugati. Magnus vir in primis, et qui perindulgens in patrem, idem acerbe severus in filium.§

CAP. XXXII. *Exemplum captivorum ad Hannibale ad senatum missorum.*

SED ut laudandus Regulus in conservando jure jurando, sic decem illi, quos post Cannensem pugnam juratos ad senatum misit Hannibal, in castra redituros ea, quorum erant potiti Pœni, nisi de redimendis captivis impetravissent, si non redierunt, vituperandi. De quibus non omnes uno modo. [Nam] Polybius,‖ bonus auctor in primis

him, certainly not more binding: but if it were, it does not appear why the accusation of his brutal and most unpopular father might not have devolved on some other person. T. Liv. vii. 4. "Ante omnia, invisum ipsum ingenium atrox, cognomenque *imperiosi*, grave liberæ civitati, *ab ostentatione sævitiæ* adscitum."

* *Detracto.* In some early editions, *detracta.* Torquis is found occasionally in the Feminine.

† T. Liv. vii. 10.

‡ *Veserim.* The name of a river, and also of a town in Campania, near the present Vesuvius.

§ *In filium.* Whom he beheaded for engaging in combat contrary to his order. T. Liv. viii. 7. This sentence, and the preceding, having no relation to the subject, are pronounced by Ernesti, to be spurious.

CHAPTER XXXII.

‖ *Polybius.* Lib. vi. 56. and A. Gell. vii. 18. A sentence remarked below, note 4, as having apparently been

[scribit] ex decem nobilissimis, qui tum erant missi, novem revertisse, a senatu re non impetrata: unum [ex decem] qui paullo post, quam egressus erat e castris, redisset, quasi aliquid esset oblitus, Romæ remansisse. Reditu enim in castra liberatum se esse jure jurando interpretabatur.* Non recte: fraus enim astringit,† non dissolvit perjuriam. Fuit igitur stulta calliditas, perverse imitata prudentiam. Itaque decrevit senatus, ut ille veterator et callidus vinctus ad Hannibalem deceretur.

Sed illud maximum: octo hominum milia tenebat Hannibal, non quos in acie cepisset, aut qui periculo mortis diffugissent, sed qui relicti in castris fuissent a Paullo et a Varrone consulibus. Eos senatus non censuit redimendos, cum id parva pecunia fieri posset: ut esset insitum militibus nostris aut vincere, aut emori. Qua quidem re audita, fractum animum Hannibalis scribit idem, quod senatus populusque Romanus, rebus afflictis,

removed from its proper position, should perhaps precede the present.

* *Interpretabatur.* The authorities, as Livy relates, widely differ as to these ten captives: according to some, not one returned:—de iis dedendis magna contentione in senatu esse; victosque, paucisque sententiis, qui dedendos censuerint.—Mirari magis adeo discrepare inter auctores, quam quid veri sit, discernere queas, xxii. 61.

† *Astringit.* In several MSS. *destringit:* in others, *distringit* and *adstringit.* The meaning is sufficiently evident, that *by fraud, perjury is not evaded, but rendered more criminal.* Ernesti includes, within brackets, *perjurium;* which he deems a gloss from the margin; and thinks the ellipse *jusjurandum.* J. M. Heusinger, indeed, suspects the whole passage from *non recte* to *perjurium.*

tam excelso animo fuisset. Sic honestatis comparatione ea, quæ videntur utilia, vincuntur. Acilius autem,* qui Græce scripsit historiam, plures ait fuisse, qui in castra revertissent, eadem fraude, ut jure jurando liberarentur, eosque a censoribus, omnibus ignominiis notatos.

Sit jam hujus loci finis. Perspicuum est enim, ea, quæ timido animo, humili, demisso, fractoque, fiant (quale fuisset Reguli factum, si aut de captivis, quod sibi opus esse videretur, non quod rei publicæ, censuisset, aut domi remanere voluisset) non esse utilia, quia sunt flagitiosa, fœda, turpia.

CAP. XXXIII. *De Temperantia.*

Restat quarta† pars, quæ decore, moderatione, modestia, continentia, temperantia, continetur.

* *Acilius autem.* Here is an evident want of connexion: by some means this paragraph is out of place: either it should be introduced before the reference to Polybius, or follow *ad Hannibalem duceretur:* unless indeed the sentences from *sed illud maximum,* to—*vincuntur,* be an interpolation, as has been thought, and seems not improbable. Acilius is named by Livy xxv. 39. and xxxv. 14. He is perhaps the same person whom Plutarch names in the life of the elder Cato. This historical work has perished. As Polybius was so recently cited, it is not likely that Cicero should now notice the circumstance, that Acilius wrote *in Greek.*

CHAPTER XXXIII.

† *Quarta.* The fourth division of duties remains; these derive their origin from temperance.

Potest igitur quidquam esse utile, quod sit huic talium virtutum choro contrarium? Atqui ab Aristippo Cyrenaici, atque Annicerii* [philosophi nominati,†] omne bonum in voluptate posuerunt, virtutemque censuerunt ob eam rem esse laudandam, quod efficiens esset voluptatis: quibus obsoletis‡ floret Epicurus, ejusdem fere adjutor auctorque sententiæ. Cum his, viris equisque,§ ut dicitur, si honestatem tueri ac retinere sententia est, decertandum est.

Nam si non modo utilitas, sed vita omnis beata, corporis firma constitutione, ejusque constitutionis spe explorata, ut a Metrodoro|| scriptum est, continetur: certe hæc utilitas, et quidem summa (sic enim censent) cum honestate pugnabit. Nam ubi primum prudentiæ locus dabitur? An, ut conquirat undique suavitates? Quam miser virtutis famulatus, servientis voluptati! Quod autem munus prudentiæ? An legere intelligenter voluptates? Fac nihil isto esse jucundius; quid cogitari

* *Annicerii.* Philosophers who take their name from Anniceris, Ἀννίκερις, the fifth instructor in succession from Aristippus, in the Cyrenaic school. He redeemed Plato, who had been sold into slavery, from the tyrant Dionysius.

† *Philosophi nominati.* These two words, though found in all MSS., are probably spurious.

‡ *Obsoletis.* When the fame of Epicurus was fully established, less was heard of the Cyrenaic school—He is called ejusdem *fere* adjutor sententiæ; as their tenets were not precisely the same. Diog. Laert. ii. 89.

§ *Viris equisque. By every effort.* Dubitandum non est, quin equis viris—Ep. Fam. ix. 7.—ventis remis. xii. 25.

|| *Metrodoro.* A disciple of Epicurus, named by Laertius, x. 23. He died seven years before his master.

potest turpius? Jam, qui dolorem, summum malum dicat, apud eum quem habet locum fortitudo,' quæ est dolorum laborumque contemtio? Quamvis enim multis locis dicat Æpicurus, sicuti dicit, satis fortiter, de dolore; tamen non id spectandum est, quid dicat, sed quid consentaneum sit ei dicere, qui bona, voluptate terminaverit,* mala, dolore: ut, si illum audiam de continentia et temperantia, dicit ille quidem multa multis locis; sed aqua hæret,† ut aiunt. Nam qui potest temperantiam laudare is, qui ponat summum bonum in voluptate? Est enim temperantia libidinum inimica; libidines autem consectatrices voluptatis.

Atque in his tamen tribus generibus, quoquo modo possunt, non incallide tergiversantur. Prudentiam introducunt, scientiam suppeditantem voluptates, depellentem dolores. Fortitudinem quoquo aliquo modo expediunt, cum tradunt, rationem negligendæ mortis, perpetiendique doloris. Etiam temperantiam inducunt, non facillime illi quidem, sed tamen quoquo modo possunt. Dicunt enim, voluptatis magnitudinem doloris detractione finiri. Justitia vacillat, vel jacet potius, omnesque eæ virtutes, quæ in communitate cernuntur et in societate generis humani. Neque enim bonitas, nec liberalitas, nec comitas esse potest, non plus quam amicitia: si hæc non per se expetantur, sed ad voluptatem utilitatemve referantur.

* *Terminaverit.* "Omnis autem privatione doloris putat Epicurus terminari summam voluptatem." De Fin. i. 11.

† *Aqua hæret.* A metaphor taken possibly either from the clepsydra, an instrument which measured the lapse of time by the passage of water through a narrow funnel; or from a gutter for the conveyance of water.

CAP. XXXIV. *Epilogus.*

Conferamus igitur in pauca. Nam ut utilitatem nullam esse docuimus, quæ honestati esset contraria, sic omnem voluptatem dicimus honestati esse contrariam. Quo magis reprehendendos Calliphonem et Dinomachum* judico, qui se diremturos controversiam putaverunt, si cum honestate voluptatem, tanquam cum homine pecudem, copulavissent. Non recipit istam conjunctionem honestas, aspernatur, repellit. Nec vero finis bonorum, [et malorum] qui simplex esse debet, ex dissimillimis rebus misceri et temperari potest, Sed de hoc (magna enim res est) alio loco ;† pluribus. Nunc ad propositum.

Quem ad modum igitur, si quando ea, quæ videtur utilitas, honestati repugnat, dijudicanda res sit, satis est supra disputatum. Sin autem speciem utilitatis etiam voluptas habere dicetur, nulla potest esse ei cum honestate conjunctio. Nam ut tribuamus aliquid voluptati, condimenti fortasse non nihil, utiltatis certe nihil‡ habebit.

Habes a patre munus, Marce fili, mea quidem

CHAPTER XXXIV.

* *Et Dinomachum.* These philosophers of the Cyrenaic school united the Stoic and Epicurean tenets, by placing the summum bonum, in virtue joined with pleasure.

† *Alio loco.* In his treatise, De Finibus.

Nihil. Imitatrix boni, voluptas——Legg. i. 17.

sententia, magnum; sed perinde erit, ut acceperis.* Quamquam hi tibi tres libri inter Cratippi commentarios, tanquam hospites, erunt recipiendi. Sed ut, si ipse venissem Athenas (quod quidem esset factum, nisi me e medio cursu, clara voce, patria revocasset) aliquando me quoque audires: sic, quoniam his voluminibus ad te profecta vox est mea, tribues his temporis quantum poteris: poteris autem, quantum voles. Cum vero intellexero, te hoc scientiæ genere gaudere, tum et præsens tecum prope diem, ut spero,† et dum aberis, absens loquar. Vale igitur, mi Cicero, tibique persuade, esse te quidem mihi carissimum; sed multo fore cariorem, si talibus monumentis præceptisque lætabere.

* *Acceperis.*
Atque hæc perinde sunt ut illius animus, qui ea possidet:
Qui uti scit, ei bona; qui non utitur recte, mala.
Ter. Heaut. i. 2. 20.

† *Spero.* This hope was never realized: in the proscription of the following year, the accomplished author fell a victim.

FINIS.

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